

# Commission on the Constitution

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## MINUTES OF EVIDENCE

### II

### SCOTLAND

*29th–30th September 1969*

#### WITNESSES

Scottish Office

Scottish Development Department

Scottish Home and Health Department

The Church of Scotland: Church and Nation Committee

The Scottish National Party

*21st November 1969*

#### WITNESSES

Department of Agriculture and Fisheries for Scotland

Scottish Education Department

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# COMMISSION ON THE CONSTITUTION

## *Terms of reference*

To examine the present functions of the central legislature and government in relation to the several countries, nations and regions of the United Kingdom;

to consider, having regard to developments in local government organisation and in the administrative and other relationships between the various parts of the United Kingdom, and to the interests of the prosperity and good government of Our people under the Crown, whether any changes are desirable in those functions or otherwise in present constitutional and economic relationships;

to consider, also, whether any changes are desirable in the constitutional and economic relationships between the United Kingdom and the Channel Islands and the Isle of Man.

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# MINUTES OF EVIDENCE

TAKEN BEFORE THE

## COMMISSION ON THE CONSTITUTION

Sitting in Edinburgh on Monday, 29th September, 1969

### *Present:*

LORD CROWTHER (*Chairman*)

MR. D. BASNETT

MR. A. TALFAN DAVIES, Q.C.

LORD FOOT

ALDERMAN SIR MARK HENIG

THE RT. HON. DOUGLAS HOUGHTON,  
C.H., M.P.

THE HON. LORD KILBRANDON

THE VERY REV. J. B. LONGMUIR, T.D., D.D.

PROFESSOR F. H. NEWARK, C.B.E.

PROFESSOR D. J. ROBERTSON

SIR JAMES STEEL, C.B.E., D.L., J.P.

PROFESSOR H. STREET, PH.D., F.B.A.

SIR BEN BOWEN THOMAS

MRS. M. S. TRENAMAN

### *Assistant Commissioners*

MR. A. M. DONNET

MR. A. CRAIG MACDONALD

MR. MAITLAND MACKIE

MR. J. MILLER

MR. R. J. GUPPY, C.B. (*Secretary*)

MR. A. H. BISHOP (*Assistant Secretary*)

### *Witnesses*

SIR DOUGLAS HADDOW, K.C.B., *Permanent Under-Secretary of State*

MR. J. H. MCGUINNESS, C.B., *Assistant Under-Secretary of State*

(*concerned with regional development*),

on behalf of the Scottish Office.

[The Written Evidence from the Scottish Office was published by H.M.S.O. London in advance of the oral hearing:—Commission on the Constitution: Written Evidence, Vol. 2, The Scottish Office; The Lord Advocate's Department and the Crown Office.]

1. *Chairman*: This is the first public meeting which the Commission has held in Scotland. Before we begin the examination of witnesses, I want to make a short statement about why we are here and what we are hoping to do.

The Commission was appointed on 15th April of this year and we held our first meeting on 29th April. We then issued through the Press an open invitation to any person or organisation to submit to us evidence in writing on any matter within our terms of reference. These terms of reference, in abbreviated form, require the Commission to examine the present functions of the central legislature and government in relation to the several countries, nations and regions of the United Kingdom, and to consider whether any changes are desirable in those functions or otherwise in present constitutional and economic relationships.

A considerable amount of evidence has been received and more will be coming in shortly. But it is possible that it is not sufficiently well known that it is open to any person or organisation having views to express to put them forward without being asked to do so. I want to take this opportunity of repeating the Commission's open invitation. Evidence should in the first instance be submitted in writing to the Secretary. Since we are anxious to make progress, the Commission would be glad

if this could be done without too much delay. On seeing the written evidence the Commission will decide whether to invite the witness to supplement it by appearing before us at one of our public sessions.

The Commission has held a number of meetings, the first public meeting being held in Cardiff two weeks ago. This, as I have said, is our first meeting in Scotland. I expect that there will be a number of such meetings, not necessarily all in Edinburgh. We are pleased to be joined on this occasion by four Assistant Commissioners who have been appointed to assist us in examining evidence relating to Scotland.

During the course of this afternoon and the first part of tomorrow morning's session we shall be seeing witnesses from the Scottish Office. Later tomorrow morning representatives of the Church of Scotland's Church & Nation Committee, will be appearing before us. Tomorrow afternoon we shall have with us representatives of the Scottish National Party.

In this way we hope to hear at this first meeting a cross-section of Scottish opinion. I fear it may not be possible in all cases to bring the examination of the witnesses to a conclusion within the very short time-table which is all that is possible on this occasion. If this is so, we shall hope to continue on other occasions, as I have said, either in Edinburgh or elsewhere.

SIR DOUGLAS HADDOW, K.C.B., *Permanent Under-Secretary of State*,  
and

MR. J. H. MCGUINNESS, C.B., *Assistant Under-Secretary of State*,  
*Called and Examined.*

Our first witnesses this afternoon are the Permanent Under-Secretary of State for the Scottish Office, Sir Douglas Hadow, and the Assistant Under-Secretary of State for the Scottish Office responsible for regional development, Mr. McGuinness.

Sir Douglas, we are grateful to the Scottish Office for the very extensive and informative evidence which they have put to the Commission and which has been published. I think we can safely assume, in order to save time, that everybody present has got a copy of this evidence and has read it. I do not know if there is any general statement that you would like to make to begin with or whether we can proceed directly to questions?—(Sir Douglas Hadow) There are two things that I would like to mention. One is merely to bring the paper up to date on a

matter which is not vital to the Commission but which might otherwise look odd. We say in Part I, paragraph 9 (page 2), of our paper that the Scottish Office is organised in four executive Departments, with the exception of certain common services divisions which we list. Since this paper was written we have decided that the internal management and organisation of the office, career prospects, all this sort of thing, will best be handled as a single task within the Scottish Office. So in the future instead of there being four separate establishment units there will be one single establishment unit under the charge of a Director of Establishments. I say this not because I think it is important but because it brings the paper up to date.

The second is rather a different point. My colleagues and I do not expect any

difficulty in so far as our detailed knowledge permits in supplementing the information given in this paper and elucidating points of a factual nature. In so far as the Commission might wish to question us on our views about possible developments, it is of course not possible for us to say explicitly that we would advise course A or not advise course B. That, at the end of the day, might be advice that we would have to tender to Ministers and it would be wrong that the character of our advice should be publicly known. What we shall attempt to do, if the Commission wish to question us on some points, is to draw attention to some of the administrative factors that would have to be borne in mind in reaching a decision about any such changes.

That is all I wish to say at this moment. I will be happy, with the help of Mr. McGuinness, to do what I can to answer questions. I think it is the intention to deal with Part I and Part VI of the paper.

2. Thank you. As Sir Douglas has just said, it is the intention in the first part of this session to confine questions to Part I (i.e. pages 1 to 5) and Part VI (i.e. pages 44 to 46) of the printed evidence. Without attempting to impose any too rigid limits on the way the questions and answers should go, I will make an attempt to subdivide a little within those fields in order that we can concentrate on one order of questions before we move on to another. The area with which we would like to begin is the general structure of administrative devolution in Scotland—its past history, present extent and possible future development—together with the advantages and disadvantages, as you see them, of running the affairs of Scotland through a Secretary of State system answerable to Parliament in Westminster as opposed to a possible functional division of the work. I am going to ask Professor Robertson to begin the questioning on that order of subject. Before I do so, I would say that the next subject I am proposing to take up is Scotland in Parliament. I say that so that we can draw a distinction between the parliamentary and administrative side.

3. *Professor Robertson*: Sir Douglas, the document which you have given us is very full and for that reason it is not just a brief statement of administrative devolution. Could you in a few sentences give us the essence of the extent of devolution in Scotland at the moment? What subjects are yours and what subjects are in Whitehall?—I find it a little difficult to be briefer than Part I, paragraph 9, of the paper, which does set out the functions

which we ourselves in the Scottish Office deal with directly. Broadly they fall into four groups: agriculture and fisheries; land use planning, with housing and environmental services generally; health and welfare services, linked in Scotland with certain legal services, police, fire, law and order; and education, with which is now associated social work services. Those are the four broad job descriptions of the executive Departments. The fifth function is not within Professor Robertson's catechism at the moment—that is, the co-ordinating function which we exercise in the regional development division. This we regard as a non-executive function, the co-ordination of interdepartmental action by all the Departments concerned in Scotland, not only the Scottish Departments but also the Great Britain ones which operate in Scotland—Board of Trade, Department of Employment and Productivity, Ministry of Technology and some others, Ministry of Power in certain fields. That is a rather different category of function and I am not sure whether Professor Robertson wants this brought out at this stage.

4. Could we move on to those Ministries which are not devolved to Scotland and begin with the Board of Trade? What advantages and what disadvantages would you see in having the present functions of the Board of Trade centred upon the Scottish Office?—I think the critical factor here, looked at broadly, is that one of the main objects of our economic planning exercise is to stimulate the growth of industry in Scotland. This to a surprisingly large extent at the present time depends on attracting industry, industrial development, from other parts of the country and indeed from abroad. The Board of Trade as at present organised has a responsibility to look after Scotland in this way as well as to look after other parts of the country. Therefore when through their ordinary industrial contacts or special industrial contacts, which are often mainly in the south, they come to know of the possibility of a certain industrial development, they have a responsibility to remember that Scotland may be a suitable location for this project and to bring the facilities which Scotland can offer to the notice of the developer. If there were a separate Scottish Board of Trade it is not entirely clear to me that we should be in as good a position to attract the interest and notice of potential developers of this kind. That is the major point to be borne in mind here. There are of course other bits and pieces of the Board of Trade work

that could perfectly well be done by the Scottish Office—for example, choosing the sites for advance factories—but whether there is anything to be gained by detaching that part from the Great Britain Board of Trade I am not myself clear. We are of course in the Scottish Office fully consulted by the Board of Trade in reaching those decisions.

5. Are you saying about the Board of Trade that if there were a Scottish Board of Trade it could no doubt try to attract by its publicity, and so on, from within Scotland, but it would not be getting at the source at those who would be likely to move?—I feel that could be a difficulty.

6. And the source is not in Scotland?—Regrettably the source for the newer industries is rarely in Scotland at the present time.

7. The fact that you do not have the Board of Trade under your wing might produce difficulties for regional planning. It could take a different view from you about prospects of development in a particular area and that might result in trying to attract industry from one area to another?—That is also possible. It is also possible that we might be wrong and they might be right. This kind of thing is discussed interdepartmentally with everybody's cards on the table and I think that between us we reach the right answer. The Board of Trade of course have responsibility to other parts of Great Britain as well as Scotland but I think we are able to live with them in spite of that factor.

8. Do you reckon that you get your fair share of the mobile industry?—For the mobile industry the statistics are reasonably good. They vary from year to year, but I do not think we have cause for complaint.

9. May I move on to the D.E.P. and ask basically the same question? Would there be advantages in locating that Department wholly in Scotland and what would be the disadvantages, if any?—I do not think this is nearly so crucial. The D.E.P. do not play quite such a key role in the development of Scottish industry and where they do it is not to any great extent through English contacts or contacts furth of Scotland. That is to say, I do not see such serious risks in having a separate D.E.P. On the other side, I am not myself clear what the advantages would be. We are not at all conscious that the D.E.P. are English oriented, and in the broader field of industrial relations we must take account of the fact that both

sides of industry are to a very considerable extent organised on a Great Britain basis and it is easier for one body to operate at national level than two. But I do not regard this as raising such serious issues as the Board of Trade question.

10. If I may short-circuit this, if I went through the list of Government Departments which are centred on Whitehall, presumably excluding the Treasury, to which special factors apply, would I find that you would always say that either there would be advantage in retaining the United Kingdom Ministry as it stands, or alternatively that it might be possible to take this part or that part and put it in Scotland but that there would be no obvious advantage? In summary, are you saying that devolution has gone a long way and as far as it reasonably can?—It has gone a long way. I am by no means saying that we are at the end of the road. I am not entirely clear what the next step might be but I would not rule out the possibility of further steps. Recent steps, it is fair to say, have been rather minimal. I am thinking of the transfer of responsibility for ancient monuments, the transfer of responsibility for royal parks and palaces. Those are no doubt very useful transfers but they hardly go to the root of Scotland's economic difficulty. Perhaps it would not be quite so true to say the same about the most important other recent development, the establishment of a Scottish transport group as a nationalised industry responsible directly to the Secretary of State. This group is now responsible for road passenger transport and also for coastal shipping so far as they lie in the public sector in Scotland. This of course was a decision taken on its merits. I do not think one can necessarily deduce from this that one could split up British Railways; that is a matter which would have to be looked at quite separately. But it does show that this continuing trend is there and that on every occasion within government the question is looked at whether a particular development would be better handled as a Great Britain matter or as separate Scottish and English ones without any preconceived notions about the decision to be reached.

11. One of the consequences of devolution would seem to be that you yourself at the Civil Service level and the Secretary of State at the political level have made your co-ordinating functions much wider than those of the respective United Kingdom appointments, and you add to your functions through the Planning Board and



Planning Council the general co-ordinating function for United Kingdom activities in Scotland. It has been said that the Secretary of State is Scotland's Minister and if a subject is not precisely his he will speak on anything if it is something to do with Scotland. Does this not produce a possibility of an administrative bottleneck? —There is always a risk of bottlenecks. The Scottish Office, in spite of what I said earlier about the organisation and management side of it, is not a unitary organisation. The four Departments report directly to Ministers. I am not a bottleneck there. I know what they are saying and I am in a position to intervene if I think that they are getting out of joint, or if a question of co-ordination with a Great Britain Department could arise. So long as we avoid the executive bottleneck I do not think this is very serious. The Economic Planning Board is not an executive board but a co-ordinating board. Mr. McGuinness can speak to this with more recent first-hand experience than I can. But I have not in practice found it difficult to bring Great Britain Departments fully into consultation and get them to contribute to the picture that we are trying to build up. So the lack of administrative responsibility for those Departments has not proved a serious handicap. Those of the Great Britain Departments which have the strongest internal devolution to Scotland—the Board of Trade with their strong office in Glasgow, the D.E.P. with their office in Edinburgh, the Ministry of Technology similarly—are in my experience fully responsive to Scottish conditions, perhaps a little bit more than Great Britain Departments with Scottish responsibility which have not found it appropriate to set up strong Scottish offices.

12. Are you saying that to some extent some Departments of Government in Whitehall have not been responsive to Scottish needs, or that their business in Scotland is relatively slight?—Some of them have business which is relatively slight in volume but which may nevertheless be important to Scotland. One can understand why they have not found it economic or sensible to set up a Scottish unit. If the volume of business is slight one cannot set up a strong unit—that would be a contradiction. We sometimes wish that some of the Departments were a little more close to the Scottish scene, but this does not apply to the major ones which I have mentioned which have this big contribution to make to the development industry.

13. In putting this forward you seem to be talking about two sorts of devolution, devolution of powers to the Scottish Office in the normal way, and devolution of powers to the United Kingdom Ministry located in Edinburgh and perhaps almost as responsive to the Secretary of State's ideas and your ideas as the people in Whitehall.—Yes, I did bring in this second aspect of devolution.

14. Do you think that this might be a developing feature of the situation?—It could be.

15. Now we come back to the co-ordination point. Is there in fact a sufficient number of senior civil servants in Edinburgh to be able to do what obviously seems necessary to co-ordinate with their opposite numbers in Whitehall?—We find it possible to do virtually all of the co-ordination on purely Scottish matters in Scotland. Those Departments which do not have strong Scottish units are nevertheless represented on the Scottish Economic Planning Board, quite often by senior representatives coming from London for the purpose. Where Whitehall co-ordination comes in more importantly is at the formation of national policy—policy which may be detailed in its application to Scotland; for example playing our part in the devolution of regional employment premium, that sort of thing, which is a national exercise.

16. Supposing there were located in Edinburgh a parliamentary system, and so on, are you saying that there already exists and is functioning a complete system of government at the Civil Service level such as might be taken over by and become responsible to a parliament in Edinburgh? Is there a complete team here?—No, there is not a complete team, there is not the equivalent of the Treasury.

17. But is there enough?—You cannot have a team without a Treasury. You cannot have a team without a centre forward, or a full back—I am not sure what they regard themselves as.

18. I think perhaps we ought not to discuss here what they regard themselves as. But as regards reporting to Ministers, you suggested that the Secretary of the Scottish Education Department need not report through you?—Does not.

19. Then there occurred to me two related questions. Firstly, how do you come into the picture, and secondly, what is the ministerial position as against the civil servant's position? One tends to think of the Secretary of State as being Scotland's Minister for everything, but

you are saying no?—As indeed he is in the last analysis. If a Department is reporting to a Minister, most of the reporting is necessarily done on paper because the Departments are in Edinburgh and the Ministers are in Whitehall. The paper is normally sent to one of the three junior Ministers, i.e. one of the Parliamentary Under-Secretaries of State, or to the Minister of State. A copy comes to me at the same time and at that stage I can go to the Department and say "I think you have forgotten so-and-so; such and such a factor has not been taken into account and you may wish to look at that specially", and if they accept my view they would adjust their submission. If the junior Minister feels the need for a wider view he can, and sometimes does, come to me and say "Do you think this is the whole story?" Even if at the end of the day the junior Minister agrees with the Department or takes a different line, on an important topic he will feel obliged to send it forward to the Secretary of State, and the Secretary of State can turn to me, or I can go to him and say "Look, this has come up from this Department. The Parliamentary Under-Secretary thinks it is all right but I have suggested that so-and-so has not been taken fully into account and you may wish to look at that?" He may say "Yes, go away and discuss it with him." But at the end of the day if there are differences of view it goes to the Secretary of State and his is the last word; he is to that extent Scotland's Minister.

20. *Mrs. Trenaman*: Sir Douglas, you will have heard it said, and certainly it has been said in written evidence which has been received by the Commission from other quarters, that in consequence of its relative remoteness from Whitehall and Westminster, Scotland in practice comes off comparatively badly in certain economic ways. You have already said, as I understood you, that in terms of one limited sector, namely the amount of mobile industry which Scotland gets as a result of national policies, you think it gets more or less a fair deal. I am anxious to probe this thought a little further, not now so much in terms that you have been discussing in answer to Professor Robertson, but in terms of the actual outcome of policy. In Part I, paragraph 19, you tell us that at one time certain elements of expenditure in Scotland were determined simply as a fixed fraction of the corresponding England and Wales allocation but that this is no longer so, and that

allocations to Scottish Departments are now fixed by reference to Scottish needs, and where Scottish circumstances differ from those in England and Wales the scale of provision differs accordingly. You give us a particular instance of this, the current position for housing which, as you explain, is proportionately to the population a great deal more generous to Scotland than it is to other parts of the United Kingdom. I wonder if you can give the Commission any other instances of the same kind of thing?—I can provide quite an extensive table on this. We published, it must be almost a year ago, details of the expenditure per head from Exchequer funds on various services in Scotland as compared with the expenditure per head in England and Wales.\* I have not got them all in my head, but virtually all of the important ones favoured Scotland. For example, education and hospitals came out in favour of Scotland, social security payments to a lesser extent but still in favour of Scotland. Those figures can be provided to the Commission. They have been published and are a matter of public record.

21. *Chairman*: We would certainly like to have them.

22. *Mrs. Trenaman*: Thank you. Following on from that, in paragraph 21 you refer to particular projects in Scotland in the sphere of Great Britain Departments and you go on to say, with drafting that I much admire, "... it is not unusual for the Scottish Office to support the Great Britain Department concerned, at official or ministerial level, in seeking the necessary authority." Could you give us an instance or two of this kind of thing?—Frankly, I am not sure how proper it is for me to do so, but examples would be things like the location of the prototype fast reactor at Dounreay and various common exercises between the Scottish Office and the Ministry of Technology. The Scottish Office finger would usually be in the pie. It would be wrong of us to flaunt it and I would like to be excused from explaining how this exercise works, but it does work.

23. But we can take it that this is not an isolated instance?—I can think of others.

24. We all know the difficulties of reaching a precise national income accounting for Scotland. We do know something about the income per head in general terms. We know something, however impressionistic, about the distribution of industry as between Scotland and the

\* This information is reproduced at Appendix A.

United Kingdom generally, which might point to a conclusion that the taxable capacity of Scotland might be more limited than that of England, or England and Wales together. If the Commission were to recommend what some of our witnesses are recommending to us, namely total independence for Scotland, which would among other things take the form of complete responsibility and management for Scotland's finances and economy, would Sir Douglas and Mr. McGuinness expect the standard of living of the people in Scotland to be about the same as it would be without this change, or higher, or lower?—When I have this kind of question presented to me, I have to seek the advice of my economic consultants, one of whom is sitting at this table. But some light will no doubt be thrown on this when the long-promised Treasury attempt at a Scottish budget is published in the next few weeks. Myself, I would hate to express an opinion on this. It is perfectly clear that Scotland could run a separate economy, but what the results would be in terms of standard of living I do not feel able to pronounce upon. But it is not only a question of hard facts and figures, it is a question of emotional responses, is it not?

25. *Sir Mark Henig*: Earlier you indicated that if necessary someone from a London Department not directly represented in Scotland came to Scotland and you also said that, in regard to consultations with Ministers, Ministers were in London and therefore papers were sent to Ministers in London for their consideration, which you saw first. Would I be a little too naïve in suggesting that in those two comments could really be discerned the reason for our being in Scotland today? Would it not be better if that situation were reversed? Instead of someone from London coming to Scotland, someone from Scotland went to London, would not Scottish affairs receive perhaps a little more consideration, particularly in those Great Britain Departments not directly represented in Scotland?—I hope that I have not given the impression that Scottish Ministers are never in Scotland; they are in Scotland a great deal of the time. But as a routine one does not wait for the Minister to turn up on a Friday, one sends the papers down to him in the course of the week. Scottish officials of course visit London a very great deal. I myself normally spend three days a week in London and many of my colleagues spend substantial parts of their time in London. We welcome those occasions upon which

officials from Great Britain Departments come to Scotland, as we think this is an excellent means of promoting their education in Scottish affairs. I think this is a more successful form of education than our going to Whitehall and lecturing and I very much welcome this. But Scottish Ministers of course are with us. There are usually one or two in the office in Edinburgh on Fridays, or if not, they are doing some public duty elsewhere in Scotland. But they are not in the office every day or part of every day, as English Ministers are, and to that extent the bridge between the civil servant and the Minister is a little longer.

26. Does the fact that the bridge is a little longer not have a bad effect as far as Scotland is concerned?—I think this is a matter of opinion. Certainly Scottish opinion might better understand how the present system works if the Scottish public saw more of Scottish Ministers. I have seen criticism of administrative devolution to the Scottish Office as simply meaning devolution to bureaucrats in Edinburgh who are even further from administrative control than would be the case if operation was from London—you can't win.

27. *Chairman*: You explained, Sir Douglas, the ways in which you did not believe that you yourself were a bottleneck, but you said also that the Secretary of State is inevitably under the system to some extent a bottleneck. Is there not a danger that this system, particularly when part of the machine is in Edinburgh and part in London, will have precisely the result which you have just indicated of a bureaucratic type of government? The Secretary of State speaks for Scotland in the Cabinet on every subject that comes up that concerns Scotland, so on some of those subjects he must be imperfectly informed and compelled to rely on a brief written by somebody 400 miles away. Is that not a prescription for government by bureaucracy?—It does not turn out that way in practice. The briefs are not always written 400 miles away. I write quite a number myself, sitting in London, and Ministers, the Secretary of State in particular, are very rarely totally dependent on a brief. The Secretary of State knows Scottish conditions very well indeed at first hand.

28. My remarks were not directed to any particular Secretary of State but to whoever it is who occupies that office. If he has to speak to every subject from his own knowledge he must have an

encyclopaedic mind.—It is a very difficult office, there is no doubt about this, and this is why we have a very strong ministerial team, and confidence among Ministers in the team is a great part of the game.

29. May I go back to a question which Professor Robertson put and explore it just a little bit further? We shall be concerned with recommending what changes should be made in the system of government for Scotland. We must therefore explore how far changes that would satisfy the desire for change could be found by going further along the route of administrative devolution that has already been followed. I have heard it said that that has already scraped the bottom of the barrel. You seem to be indicating a contrary view. Within the scheme as it now exists—Parliament and the Cabinet at Westminster, administration of Scotland from there and from St. Andrew's House—are there further important functions that could in your opinion be transferred?—I cannot at the present time identify any such. My earlier answer to Professor Robertson was meant to convey that I am not excluding the possibility of such functions emerging, as the whole process of government and scope of government action develops.

30. I see, but in the system as it is at present we have gone about as far as it is possible to go with advantage?—I think that is so; indeed I am probably on public record as having said that.

31. One other question on this administrative front. Let us suppose there is a problem coming up, relating, say, to transport in Scotland. Does that problem in your opinion get more attention, is it settled either more quickly or more to the advantage of Scotland because the officer dealing with it in St. Andrew's House is responsible to the Secretary of State instead of being responsible to the Ministry of Transport in London?—I find it difficult to give a general answer to that. I am not entirely clear what kind of function you are referring to because most of transport is in fact the responsibility of the Ministry of Transport.

32. Let me choose another example, let me choose one arising in the field of education.—There is no doubt that a question of this kind arising in Scotland is settled quite as quickly, and I am entirely certain that it is settled with full regard to all the surrounding Scottish circumstances, and is not settled, as conceivably could happen in Whitehall, by reference to

rather more theoretical considerations which did not take full account of the surrounding facts and circumstances in Scotland. This is of course the basic case for Scottish administration, that our decisions in Scotland are taken in full knowledge of all the surrounding Scottish circumstances—history, tradition, law, everything.

33. When on your visits to London your English colleagues say to you, as I am sure they do, that the system is specially designed to ensure that Scotland gets more than its fair share of attention and money, do you agree with that or deny it?—I would regard that as a tribute to the success of my own efforts and those of my colleagues.

34. *Mr. Talfan Davies:* You have mentioned the fact that there is this bureaucratic organisation in existence in Scotland. How sensitive is that to the will of the people of Scotland? If it is insensitive—I assume it is not, but if it is insensitive in some respects—how do you suggest there can be an improvement in that?—I would find it easier to answer that question if somebody would tell me how to ascertain the will of the people of Scotland. There is not any doubt, I think, that the work we do in St. Andrew's House is more sensitive to the feelings of public bodies in Scotland, local authorities in Scotland; I am certain that we in St. Andrew's House are much closer to the average local authority than our colleagues in Whitehall can be to the very much larger number of local authorities in England, but I do not want to make the mistake of equating local authority opinion with the opinion of the people of Scotland. I really would not know how to ascertain that.

35. May I put a supplementary to that: how often do you find a divergence between the opinions expressed by the various bodies with whom you come into contact and the opinion in Whitehall?—I find it difficult to quantify that, but I have known very rare occasions, very rare indeed, on which there was not some Scottish overtone, some Scottish difference, sometimes relatively superficial, sometimes quite fundamental.

36. You referred to the Board of Trade having control particularly in the inducing of industries to Scotland; does the Scottish Office play any part itself in taking direct action, for example in foreign countries, in bringing new industries to Scotland?—No, the Scottish Office does not.

37. Would you not think that would be a power which could be exercised to the advantage of Scotland, in other words a duality, the existence of the Board of Trade in London together with the initiative coming from the Scottish Office itself?—There is initiative abroad coming not from the Scottish Office but from unofficial Scottish organisations, in particular the Scottish Council (Development & Industry), from which you will no doubt receive evidence. It seems to me that this is quite as effective as any separate official action by the Scottish Office abroad could be. The Scottish Office abroad could not but remember that it was, after all, part of the Great Britain organisation, and could not, quite so easily as the Scottish Council, suggest for example that Wales would not be a good place for this sort of thing.

38. *Sir Ben Bowen Thomas*: The word "bureaucrat" is used, and my question is a very simple one: what is the nationality of your bureaucrats in Edinburgh?—Very varied.

39. It is not predominantly Scots?—I imagine it is predominantly Scots, but this is a matter to which I attach no importance at all.

40. I am surprised with that answer, if I may say so, because I would have thought that would have been a link between the administrator or the bureaucrat and the area he is administering, that the sense of responsibility for that would be implicit in the way in which he did his job.—I am not sure that it always works out in that way. The non-Scot may fall over backwards to show that his sympathies are now Scottish. I am thinking of officers who have been with us for ten, twenty or thirty years; where they were born does not matter two hoots.

41. *Professor Robertson*: May I just point out that in paragraph 23 (page 5) the first sentence reads: "Although the great majority are Scots and spend the whole of their working lives in Scotland, the staffs of the Scottish Office, like the staffs of Great Britain Departments working in Scotland, form an integral part of the British Civil Service". In other words, it would appear that the draftsman of this paper did the arithmetic and discovered that the majority were Scots and spending most of their career in Scotland. Is that right?—The difference is this, that if you are talking about the large numbers, the big battalions, the relatively junior people, there is of course no doubt about this. I was thinking more of the senior echelons who have more responsibility for policy making.

42. But which part of the Civil Service is the one which people think of as the bureaucracy? Is it the people behind the counter in the Post Office, or is it yourself, because the average man in the street does not really meet you?—I think this is a perfectly fair point. The average man in the street probably thinks of the bureaucrat as the man behind the counter, so to that extent my answer to Sir Ben Bowen Thomas was slightly off the mark, and I think the average man in Scotland does not know that people like Mr. McGuinness and myself exist—which is perhaps a good thing.

43. *Sir Ben Bowen Thomas*: Would not the average man in Scotland assume that the senior official of the Scottish Department would be a Scot? How many non-Scots have been Permanent Secretaries?—A very eminent predecessor of mine who is still alive was not a Scotsman.

44. But by and large they tend to be Scotsmen?—By and large they tend to be Scotsmen, but one of the heads of Departments at the moment is not a Scotsman. I very much welcome this.

45. *Chairman*: Speaking as an ignorant Englishman, may I ask what is a Scot?—Sir Ben Bowen Thomas raised this question, shall he give us a description? I was referring to the place of birth.

46. *Sir Ben Bowen Thomas*: By and large, yes, born and educated in Scotland mainly—I would allow him to go to Oxford or London or Cambridge.

47. *Mr. Maitland Mackie*: It is alleged that there is a great feeling of frustration among the Scottish people. I am not sure where it is. Having described what seems to be a very well oiled machine serving the people of Scotland well, have you run up against this feeling of frustration on the part of the people you deal with—Scottish Members of Parliament, local authorities and to some extent the public. And even if there is no frustration, you must get a large number of complaints, for instance it is alleged that it is a pretty slow machine. In adding up the weight and tenor of complaints, can you see a major complaint against the system in any way?—I think we can all identify a good deal of frustration with the processes of government, and I do not think that is confined to Scotland by any means. In terms of complaints, no, I would not say that most of the complaints we get are referable in any way to the system of government we adopt. Whether any satisfaction has been given by the introduction of the Parliamentary Commissioner—the Ombudsman



system—remains to be seen. We have had our share of complaints registered under that system, and I can think of two cases where the Ombudsman found that we had not been 100 per cent. perfect.

48. *Sir Mark Henig*: Would you see any virtue in having a special Scottish Ombudsman in Scotland?—The Ombudsman has a Scottish office, and there is an officer in Scotland who does a good deal of his Scottish investigation. I cannot myself think a specifically Scottish Ombudsman would be of major significance. The important thing is to get a really first-class man as the Ombudsman, but I do not know whether the volume of work in Scotland would enable this to be done—on the present volume of complaints it would not, but no doubt other complaints could be provided—I could provide some myself.

49. *Mr. Maitland Mackie*: You did say there is always bound to be frustration. Are there frustrations in your own position and in the positions of your own senior civil servants in operating the present system, and if so, could these frustrations be removed and in what way?—None of us, I think, is ever able to get all the things he wants when he wants them. I do not myself think that such frustrations as I experience would be more easily removed under a different system. The frustrations I encounter are rather of a different order.

50. Would they be removed by closer contact of these elements in Scotland with the legislature?—I think not. I have no difficulty in my contacts with Ministers or, so far as I should have contacts, with legislators, this is just too easy.

51. *Mr. Donnet*: In relation to administrative devolution in Scotland, are you knowledgeable of the fact that by the Secretary of State and the Scottish Office exercising these powers the status and the standing of other Scottish representative institutions are consequentially upgraded? If the Scottish T.U.C. wishes to make representations on housing, health, education or agriculture, are these representations welcome in St. Andrew's House?—We are always pleased to see our friends of the S.T.U.C., and if the representations are such that they strengthen our hands in other quarters, yes, we welcome them.

52. Would not the farmers, for instance, derive great satisfaction from knowing that they can go to St. Andrew's House rather than to London to make representations about agriculture?—I find some local authorities who would only be too happy

to have an excuse to go to London, but I think that Scottish farmers—Mr. Mackie can correct this one in closed session if he thinks fit—are quite happy to have the Department of Agriculture on their doorstep.

53. *Mr. Maitland Mackie*: I think that is fair.

54. *Chairman*: Would you think Edinburgh being a smaller place than London, that your officials are more accessible to the Scottish public than civil servants in London are to the English public?—Much more readily accessible to the kind of people we deal with, who by and large are not the general public of course; in the St. Andrew's House Departments we deal more with local authorities, industry, the T.U.C. I think we are very readily accessible, and we take pride in this, not so much because Edinburgh is a small place, but Scotland is a relatively small place. We take pride in our closeness, we cultivate it.

55. *Mr. Craig Macdonald*: Sir Douglas, at one stage you said that there were certain Ministries you would like to see with stronger offices and departments closer to the Scottish scene. For the moment I am not much concerned with what these Ministries are; what I would like very much to know is in your own words why you, a very senior civil servant, personally have this feeling that it would be a good thing to have more devolution?—The problem is this, I think, that a Department may have a relatively small volume of business in Scotland, but it may be important. The trouble is that the volume of business would not justify the appointment in Scotland of a senior officer. This is the dilemma: either you have an officer who matches up to the volume of business, in which case he is possibly not senior enough to be of real value, or you do not have anyone, because you cannot really employ a high-powered man who does nothing for half his time. I wish this dilemma did not arise, but it does.

56. But on balance you are in favour of more devolution?—Where a sufficient volume of work can be carved out, which can sensibly be performed in Scotland, yes.

57. *Mr. Miller*: Allowing for the fact that there have been enormous advances in devolution, do you not feel that many of the bodies or individuals who come to see you, and are appreciative of the opportunity of seeing you so readily, still feel there is a remoteness because the

fundamental control often seems to them to be vested in the Treasury in London? Would this be a fair view? Is this the cause of much of the feeling of frustration?—I do not think there is anything Scottish about that, the same applies to anyone approaching a Whitehall Department.

58. But when you have a nation which thinks of itself as a separate nation, this is a different element, I think?—Some people may think this. I do not myself believe this is any more valid in the case of Scotland than in the case of England.

59. But do you not feel that devolution on the present lines has reached as far as it can logically go, unless we consider the next step of putting part of the Treasury in Edinburgh?—This is a difficult question. The Treasury almost by definition is indivisible, in the present system of government.

60. I realise this, it is a very fundamental change I am thinking of, to deal with this kind of frustration.—The cost of splitting it might be enormous.

61. It really would be an entire change of governmental set-up which would be necessary. Can we meet the kind of objection which is made unless we are prepared to consider such a radical change?—I am not entirely clear what the radical change is. There are two things, there is the administrative devolution—I do not think one can carry administrative devolution to the extent of having a Scottish Treasury.

62. I was enormously impressed by the amount of devolution we have, and I really did not know about it.—This is very common, if I may say so.

63. But I am also impressed by the fact that there is a feeling of frustration—and you must secretly know this as much as I do—whether it is justified or unjustified, and we have got to see whether we can in fact solve this. And, having read your document, I feel that to try and solve it in any way we would have to consider radical change.—Is there a possible alternative of making the present system much better with the present extent of devolution? As Mr. Miller says, it is quite extraordinary, the extent of the ignorance in Scotland of the stage to which Scottish devolution has gone. The number of letters complaining about Scottish affairs which come even from Members of Parliament to English Ministers, which have to be passed to the Scottish Office, is really remarkable.

64. *Professor Robertson*: Could we explore the nature of this frustration a little more? It seems to me that two points are being suggested, the first of which is frustration with the processes of government, and the second is frustration with the location of the processes of government. On the former point, which seems to me to be possibly the more important, would you expect a Scottish Treasury to behave in any different manner from a Treasury in London or a Treasury in Washington, or wherever other Treasuries hide?—I do not think it could.

65. Could we go back to the discussion you had with Mrs. Trenaman on the allocation of resources, where I understood you to say, to put it colloquially, that we got away with things because the Treasury had to listen to a Scottish voice on housing and other matters?—"Got away with things"? I hope I did not put it in quite that way. We get our fair share, and our fair share is sometimes rather more than our arithmetical share.

66. If I can translate that back from "Civil Service" into English, what I think you are saying is: "Fair share in relation to our needs, not fair share in relation to our numbers or our taxes?"—Exactly.

67. You rather avoided, on the false pretence that you do not understand economics, the question about the standard of living. Does it not follow from what you are saying that a Scottish Treasury, in order to provide the same standard of services in these matters, would either (a) have to give up some other types of expenditure, U.K. expenditure, in which we as Scots are supposed to partake, or (b) raise taxes, or (c) perhaps engineer a rise in the rate of growth of the economy which is not immediately apparent?—In so far as those are questions of arithmetic and not economics, yes.

68. *Chairman*: May I suggest we now go over to the group of questions connected with the way in which the present system works in respect of Scotland in Parliament, and I will ask Mr. Houghton to start on that.

69. *Mr. Houghton*: First of all, Sir Douglas, could you deal with some points in Part I, paragraph 12, about the Scottish Law Officers? It seems to be an extraordinary situation that both Law Officers for Scotland at least since 1964, have been outside Parliament. Are Law Officers appointed after an election, or

before, or are they appointed and then become parliamentary candidates? I am a little puzzled to know how Law Officers come to be outside Parliament, when in England the Law Officers are appointed from those who have secured seats in Parliament.—This is not quite my field, but as I understand it, if a new Government takes power after an election and finds that it has no lawyers among its members in the House of Commons, then it has no alternative but to appoint its Law Officers, who are essential parts of the Constitution, from outside. Those Law Officers may or may not subsequently become parliamentary candidates, may or may not subsequently be elected to the House of Commons; the present Lord Advocate has become a Life Peer—this is a new development, putting a Law Officer in the House of Lords.

70. May this then be one of the gaps in the Treaty of 1706 and 1707, that while Scotland was given the right to retain control over its private law and its own judicial system, no provision was made for Scottish law to be represented in the Westminster Parliament on the same level and in the same way as the Lord Chancellor for England?—This is a complicated story. There is no Scottish equivalent of the Lord Chancellor. The Secretary of State is his equivalent in many respects. It is the Secretary of State who puts submissions to the Palace for the appointment of judges. It is the Secretary of State who joins with the Lord Chancellor in the appointment of the Council on Tribunals. In those respects the opposite number in Scotland of the Lord Chancellor is the Secretary of State. In other respects—but this is a pretty difficult subject—the Lord President of the Court of Session sometimes exercises in Scotland functions which the Lord Chancellor exercises in England; I am thinking mainly of the appointment of presidents and legal members of certain administrative tribunals.

71. This might mean, then, that Scottish law could be debated in Parliament at Westminster without the presence of a Scottish Law Officer and in the absence of anyone in the House of Commons, on either side of the House presumably, well versed in Scottish law. I believe there is only one member of the House of Commons at the present time who is a member of the Scottish Bar. Is there not some dreadful poverty of legal help and advice in the Westminster Parliament under these circumstances?—I have not had the experience of being a member of the Westminster Parliament and suffering

from this lack, but if Mr. Houghton says there is one, I am sure there is.

72. But have you not noticed it from your end?—No.

73. You have not?—Not in practical terms.

74. But you agree that that is the position?—I must agree that that is the position. There are of course always Scottish lawyers in the House of Lords, there are always two Scottish Lords of Appeal in Ordinary.

75. I will not pursue that point further, I have drawn out what I want to know. May I turn then to page 68 in your paper, about legislation; at the bottom of that page there is a reference to the consideration which is given to Bills before Parliament, as to whether they should apply to Scotland or whether there should be a separate Bill for Scotland or whether there should be what is called an application clause to Scotland.

76. *Chairman:* This appears in the memorandum by the Lord Advocate's Department, not the Scottish Office.

77. *Mr. Houghton:* Thank you. If Sir Douglas Hadow is in any difficulties, he will tell me. I raise a question of policy here. It is not wholly a legal matter. The Lord Advocate may have views on it, but I suppose your Department comes into it on policy considerations, decisions as to whether clauses in an Act of Parliament shall apply to Scotland?—Certainly.

78. Then what I am hoping you can tell me is what are the considerations which lead to the decision to include or to exclude reference to Scotland in an English Bill. Is it to assert the independence of Scotland, or is it because Scotland must have something different, or that it requires a special form to apply to Scotland?—I think it is rarely the first of those. If you imply that Scotland must have something different just for the sake of being different—Scotland will often require something different, because the needs are different. Even where basically the need is not different, the form of the legislation may need to be different because of legal and procedural differences. The primary decision as to whether a particular piece of legislation shall apply to Scotland or not, is of course a matter for ministerial decision, in which the Lord Advocate will not usually play a major part, unless it is a legal matter. Where the Lord Advocate comes in is in assisting in a subsequent decision. Assuming there has been a policy decision that a particular



course will be adopted both for Scotland and for England, there may then be quite a difficult issue as to whether this should be one Bill with a Scottish application clause, which facilitates discussion in Parliament of the general policy but makes the resulting Act a little difficult for the Scottish lawyer, or whether there should be two separate Bills, an English one and a Scottish one, which may complicate discussions in Parliament because of reactions one on the other, but would in the end of the day make matters simpler for the Scottish lawyer. This is the problem of reconciliation which often arises in deciding what form legislation shall take, assuming comparable legislation is being undertaken for the two countries. This is the kind of issue which arises, and it is by no means always the case that Scottish legislation is a mere adaptation of English legislation.

79. Would you say the decision is ever taken on political or nationalistic grounds?—I should find it difficult to say on what grounds ministerial decision are sometimes taken.

80. That is a very strange modesty, if I may say so, from a Permanent Under-Secretary of State. However, I want to pass on to a more fundamental question, that of devolution.

81. *Chairman:* Mr. Houghton, I think before we leave these legal matters Lord Kilbrandon would like to ask a question.

82. *Lord Kilbrandon:* I would like to pursue a little further the matter of the Lord Advocate. I read in a work of reference about English law that in the House of Commons the Attorney-General answers on legal matters of public interest, and has charge of matters relating to legal subjects. Who has charge of matters relating to legal subjects for Scotland now?—When there is no Law Officer in the House there is no alternative to the Secretary of State.

83. And he has no legal qualifications?—No legal qualifications at all, but he has immediate access to the Scottish Law Officers.

84. But he is advising at second hand, as it were?—Yes.

85. There is another and perhaps even more fundamental question: the Lord Advocate as Public Prosecutor is answerable to Parliament for his conduct, is he not?—I think the Lord Advocate's Department's own paper expresses the view that this is rather a special responsi-

bility, it is not the normal responsibility of a Minister.

86. But how does he answer to Parliament at present?—There is no alternative but for the Secretary of State to say: "The Lord Advocate tells me that".

87. So at present the Lord Advocate is not answerable to Parliament for his conduct as Public Prosecutor?—He is not there in person to take what comes. Parliament will no doubt make its views very clear, none the less.

88. Were you really right, except perhaps in the technical sense, when you said the Secretary of State appointed judges?—I said he made the submission to The Queen to appoint judges.

89. I have been appointed a judge three times now, so I have a little personal knowledge of this, but in fact on each of these occasions I was appointed by the Lord Advocate. I think you would agree with that, in the sense that anybody would understand that term.—Naturally the Secretary of State consults the Lord Advocate before deciding what name to send forward, but the appointment of course is by The Queen, and the warrant is countersigned by the Secretary of State—I think I am right.

90. But is it not quite well known that in fact it is the Lord Advocate who informs the Secretary of State who is to be appointed, and can you tell me of any instance when the Secretary of State has disagreed with him?—I do not think I could really go into that.

91. So in fact in a popular sense the Lord Advocate appoints the judges, although The Queen of course signs the commission on the submission of the Secretary of State?—I would beg to be excused from commenting on that. This is a rather delicate internal matter between Ministers.

92. I hope you will be prepared to discuss this delicate internal matter at a private session?—I would much prefer it if that private session could be with the Lord Advocate or with the Secretary of State.

93. You have told us about the Scottish Grand Committee and how it deals with Bills which relate only to Scotland, which are referred at the instance of the Government. What proportion of Scottish Bills are so referred?—Virtually all.

94. If there is a selection, what is the principle of selection?—There are two reasons that I can think of as to why a

Scottish Bill might not be referred to a Scottish Committee: one would be if it were regarded as a matter of such importance, and primarily so regarded by the Opposition in the House, that they wanted a debate on the floor of the Chamber, a really important Bill with a somewhat new principle, which was not just a reflection of English principle; the other is the opposite extreme end of the scale, where a Bill is relatively unimportant, a very minor Bill which might go through on the nod at the end of a Friday afternoon.

95. This system of the Scottish Grand Committee is a rather curious one, is it not? What would be the position if, as might easily happen, the U.K. Government were of one political complexion and a large majority of Members of Parliament in Scotland were of another political complexion? How would the Scottish Grand Committee carry out Government policy?—This is where the added members come in.

96. Yes, I know, but then the added members, one must say frankly, are brought in for the purpose of outvoting the Scottish members.—This is the theory of the position, I have never known it happen in practice. A great deal of our constitution mercifully does not happen in practice.

97. Part I, paragraph 15, has been touched on already, this is the general concern which the Secretary of State has for ensuring that adequate attention is paid by other Ministers to relevant Scottish interests. Would it be fair to describe him in a way as an advocate for Scotland in these matters?—I think that would be quite fair.

98. Suppose, for example, there were a question of the location of a defence installation, he would put the Scottish case on that?—Which might be a case for and might be a case against.

99. But probably it would be a case for?—Not always.

100. Would he go out of his way to find the case against?—It depends—it might be an unpopular establishment.

101. I see, perhaps I should not have said defence. But for the most part he will be submitting the Scottish claim?—Certainly.

102. And I suppose the same is true of the Secretary of State for Wales?—I fear so.

103. Then who puts the case for England?—Not me.

104. I am suggesting to you that the case for England is probably put by the Minister of Defence?—If it is a defence establishment?

105. Yes.—No, the Minister of Defence may well come along and propose the establishment in Scotland.

106. Then does the case for England go by default then?—There are no doubt a large number of English Ministers in any committee, or the Cabinet itself.

107. But they would hardly be interested in this particular matter, would they?—They might be.

108. I do not suppose, for example, the Minister for Education would interest himself in the location of a defence project, would he?—He might, if he came from the north-east of England and that was the proposal.

109. As a Member of Parliament he might, but not as a Minister?—The line is not always very closely drawn.

110. But do you not agree that to some extent in the Ministries which are U.K. Ministries they rather tend to regard themselves as English Ministries?—No, I would not, really, certainly not Defence. But if they showed any signs of doing so we should quickly put the matter right.

111. You say in paragraph 22 that staff ceilings are based on needs. Is that really quite the case? Are they not really based on availability? Is the recruiting of staff for the Scottish services not sometimes very difficult?—For some of the specialised services, yes, but for overall numbers, no. Recruitment in the general service grades is in fact easier in Scotland than in the south.

112. One example I think of painfully is the service of draftsmen.—Certainly the staff ceiling is not the limiting factor there, it is the availability of people to come up to the ceiling.

113. And the availability is largely governed by the fact that one cannot expect a trained lawyer, probably with a wife and family, at the age of 30 to 35, to remove himself to London from Edinburgh?—I am sure that is a factor. Whether some of the work could be done in Edinburgh, I would not say.

114. It could not be done in Edinburgh if Parliament is in London?—There is a lot of work other than drafting in the Scottish Office.

115. But not among the English draftsmen, only among the Scottish draftsmen?—Yes.

116. The Scottish draftsmen not only have to draft, they have to advise Government Departments as well, although they are very short in numbers?—This is a contradiction of what I said earlier—their legal advisory function is mainly to Whitehall Departments.

117. This is a function which English draftsmen do not have to carry out?—No. They do not.

118. But there is, you will agree, this serious difficulty in getting technical staff to move to London to carry out functions which, if there were a parliament in Edinburgh, would be carried out here?—Certainly. There is difficulty in filling the establishment of the Lord Advocate's Department.

119. I have other questions on the subject of legal administration which I might reserve for Mr. Johnson, if that would be suitable to you?—Certainly.

120. *Chairman*: I would like to take up one question on this matter of the choice which you said had to be made as to whether there should be one Bill with a Scottish application clause, or whether there should be two Bills. Would I be right in supposing that that choice is very often strongly influenced, if not dictated, by considerations of parliamentary time?—Influenced, yes; dictated, rarely. I think that is a fair statement of the position.

121. *Lord Kilbrandon*: There is a question which arises out of the report of the Wheatley Commission, which is not within our purview officially and I am not talking about the merits. The Commission describes its proposals as drastic and revolutionary, as of course they are. Leaving aside whether the proposals are right or wrong, if they are drastic and revolutionary I was wondering whether that has any consequences from the wider point of view. For example, they involve abolishing the powers of the burghs, which may cause some repercussions with the articles of the Treaty of Union. Would you say there is anything in the argument that if the governmental system of Scotland is to be torn to pieces and then reconstituted, this should be done by a Scottish parliament rather than by a predominantly English parliament?—I think in practice this is the kind of Bill which will be debated at great length in the Scottish Grand Committee, and whilst in theory there are adequate members there to vote the opposition down if necessary, the detailed discussion of this Scottish revolutionary matter will be a Scottish discussion.

122. But the discussion will be, as you say, weighted if necessary in order to enforce the policies of the Government?—In theory it will be weighted if necessary, but the policies of the Government in this matter will be policies in relation to Scotland, in relation to the Wheatley Report.

123. Can you be sure of that?—Yes.

124. *Mr. Houghton*: Sir Douglas, would you agree that devolution of administration is the shadow and not the substance of power?—It ought to be; I am not sure that it always is.

125. When devolution has been carried as far as it can go within the framework of the present unity of Scotland within the United Kingdom, it will give more power to the Secretary of State and more authority to the Civil Service, but will it have added any additional power or authority to the elected representatives of Scotland in Parliament?—This is rather outside my province, but I would say that devolution in so far as it is administrative devolution to the Secretary of State and his Departments results much more often in separate Scottish legislation than would happen if the matter was still on a Great Britain basis; that in turn does add considerably to the significance of the Scottish Grand Committee and the part it plays in the machinery of legislation. To that extent it probably does increase the power of the Scottish elected representatives who sitting in Scottish Grand Committee, are, I think, a very powerful instrument indeed for securing that the Scottish public will is obeyed—so far as one can assume that the members represent that will.

126. But as Lord Kilbrandon pointed out, there are additions of English members of parliament made to the Scottish Grand Committee when necessary to ensure that the government of the day has a majority on the Scottish Grand Committee.—This is true, in theory; in practice those unfortunates rarely dare to speak, let alone vote.

127. But when there is a division they surely have to be there?—That is entirely correct, but in practice I have not myself over the last 30 years known it to work that way.

128. But again, if you like in theory, under the existing constitution the Scottish members of parliament must never be allowed to triumph through the absence of English members of parliament who may

be members of the Scottish Grand Committee.—That is the theory: it is not the practice.

129. We are dealing with the constitution. A great deal of any constitution is theory, because it provides the framework for circumstances and for eventualities, for the reality of power rather than the rule book. You say that devolution has gone a long way and you are not sure how much further it can go but you do not rule out the possibility. Is there any further devolution that is worth very much so long as expenditure in Scotland is an allocation made from a common pool?—This I confess is getting rather over my head. Let us take the last significant exercise in devolution, the establishment of the Scottish Transport Group. I think that was a perfectly significant move and was not in any way at odds with the present system of financing public enterprise.

130. I take it that when we are talking about devolution we are talking about administration within the framework of the Act of Union. Is that what we are talking about?—Yes, we are talking about administration within the present set-up of government.

131. And under the present set-up the Secretary of State for Scotland is appointed by the Prime Minister at Westminster, can be dismissed by him, can be replaced on a change of government, may be a member of a party or a government which is not representative of the political opinion of Scotland. All these can happen, can they, under the existing set-up?—All these can happen—they do not.

132. Has it never happened that there has been a Conservative Secretary of State for Scotland when the majority of the Members of Parliament for Scotland have been members of the Labour Party; has that not happened?—I have not counted this up, I do not concern myself with the politics of this exercise.

133. This is not a matter of politics, this is a question of representative government, of whether Scotland within the constitution of the United Kingdom has certain constitutional rights or not. It may be that you say you are really concerned with the administration within the existing set-up and these other matters are political or constitutional questions?—That is of course my primary concern.

134. Then I may embarrass you by asking a further question. Would you think that further devolution of administration is bound to lead towards the

devolution of representative government?—I do not think anything is bound to lead to anything. The connection between one move and another is rarely a necessary action in my opinion.

135. Would you think it would follow that the more administration is devolved the more likely it is that to make devolved administration satisfactory to people they would want devolution of representative government?—I would expect this to be not an unnatural development, yes.

136. *Professor Street*: To what extent has your Department found itself unable to get as much legislation through as quickly as it would like under the present system?—All Government Departments have Bills in the pigeonholes that they would like to see introduced and passed through Parliament. We have our share. We have not in my experience had any serious difficulty in getting an important measure through Parliament. Certainly with the greater role played in recent years by the Scottish Grand Committee this has become even easier than it once was.

137. If I might tie that up with your earlier point about not having the equivalent of the Lord Chancellor's Department, take the report over two years ago on the reorganisation of the Sheriff Courts. No legislation has followed that. Is that in any way tied up with the present legislative arrangements?—No.

138. Or is it tied up with the fact that you have not got the equivalent of a Lord Chancellor's Department?—I do not think it is tied up with either of those things. The absence of legislation so far is due to its far-reaching and complicated nature. A great deal of work has been done on it and it is not yet at the stage of putting the result in terms of legislation. It is not parliamentary time nor the absence of a Lord Chancellor's Department, but simply the complexity of the subject. The fact that we have not got a Lord Chancellor's Department does not matter much here; we have the Lord Advocate's Department and our own lawyers who play a full part in discussing the legal aspects of this work.

139. Mr. Houghton made the point about the poor representation quantitatively of lawyers in the House of Commons. One example occurs to me on which I would be interested to have your comments. Since 1964 it has been possible in England to sue the Chief Constable when a policeman does some harm to a citizen. That Act, the Police Act 1964, was one which applied to Scotland. I would

suppose that the average non-Scottish lawyer in the House of Commons when he saw that it applied to Scotland thought that the result would be that the citizen in Scotland would be able to sue someone other than the policeman. Probably he did not see at the back of the Act a provision that that section should apply to Scotland only on such date as was decided by the Secretary of State. I understand that five years later nothing has been done about implementing that in the case of Scotland. Is this a commentary that supports Mr. Houghton's point about what happens when there is not an adequate representation of lawyers?—This particular subject is not within my knowledge. I should not have thought so. I cannot quite see how this could have anything to do with the fact that there was not at the time a Lord Advocate in the House, but I expect Mr. Johnson will be able to give you a fuller exposition of why this particular announcement has not been made—I just do not know.

140. *Sir Ben Bowen Thomas*: I would like to put a question based on the interventions of Mr. Miller and Mr. Mackie. The word "frustration" was used a few times. I would like to ask you whether an aspect of this frustration might be explained in terms of the fact that Scotland would like to feel that it counted in the international sphere—that Scotland existed, so to speak, in its own right, in terms of education, agriculture and fisheries, land use planning, health and welfare—the four Departments that are within the Scottish Office. Are there arrangements made that Scotland takes its part in any international relationships involved in those four Departments?—Yes, Scotland takes a very considerable part in this international work. The outstanding example is fisheries, and when the Department of Agriculture and Fisheries gives evidence you will be hearing from the No. 1 international fisherman in Great Britain. Our Chief Medical Officer is regularly a member of the delegation to the World Health Organisation. All this kind of thing goes on. I know there are numerous education contacts.

141. That answers my question, if the Scottish image, so to speak, is known and seen in the international sphere. Thank you.

142. *Professor Robertson*: There are two points I want to enquire about arising out of what has just been said. Firstly, on the Lord Advocate's Department and his place in or out of the House of Commons, may I just remark that the Chancellor of the Exchequer is not always an economist

but he is thought capable of speaking on economic affairs, and in charity I ought to say that sometimes he is much better than an economist. Putting this a bit more seriously, I assume, Sir Douglas that you see the briefs which the Law Officers sometimes put up to the Secretary of State to help him do his non-legal best in legal matters in the House. Are the briefs normally such as may be understood by an intelligent layman?—Anything that the Law Officers produce in my experience I can understand. I am not sure whether that is answering Professor Robertson's question.

143. The second point: we have been hearing that the Scottish Grand Committee is packed by Englishmen, but is it not also true that the Parliament of England, if one can use such a term, is packed by Scottish and Welsh, and is it not also true that the political department of that Parliament has been changed by the presence of Scots and Welsh?—I believe this is true.

144. Do you happen to know whether the Scots exercise the same degree of restraint when matters relating to England are discussed in the whole House as you suggest English Members exercise in the Scottish Grand Committee?—Was there not something about a prayer book many years ago?

145. *Mr. Talfan Davies*: What is your view with regard to the presence in Edinburgh or in Scotland of an assembly of some kind as assisting the Scottish Office to assess the priorities as regards the spending of money and the wishes generally of the people?—I am probably deficient in imagination, but I cannot imagine that such an assembly would be of real assistance in the assessment of priorities. I am no doubt being unfair to an assembly but I do not see it working that way.

146. Why not?—I have never quite understood how an assembly could do this. It could not be done just by asking the assembly which subject it shouts loudest for, in the way that some television debates are measured, with a pointer which swings over to 75 per cent. when one question is asked and 65 per cent. when another is asked. I am sorry, I cannot believe that would be a reliable or sensible way of doing it. What would happen—and an attempt is being made to introduce this into Westminster practice—is that Parliament would be presented with a complete picture of the Government expenditure programme and have a debate on this. It remains to be seen what effect this would have on the Government



programmes. I suppose that if there were virtual unanimity that there should be more on education and less on housing the Government might bow to this. But would this really be what happened? Would the advocates of every particular branch of expenditure not ask for more and without ever suggesting where it might come from? I do not know, I think I am entirely out of order on this speculation, frankly.

147. Sir Douglas, this is what I want to pursue. The same debate should take place in the United Kingdom Parliament?—Should, and will I hope, under the new procedure, take place. We will be in a better position to answer this question after the first of those debates has taken place later this year or early next year when the White Paper makes its appearance.

148. If the debates are valid in the United Kingdom Parliament would they not be equally valid in Edinburgh where the Press would cover them, and the democratic processes would be seen to be taking place? Why invalidity in Edinburgh and validity in the United Kingdom Parliament?—I am wondering how valid this is.

149. You refer to the Bills being debated in the Scottish Grand Committee. Could you as a matter of information tell us how many divisions have taken place over the years—with some Scottish members voting this way and some the other way?—Divisions in Scottish Grand Committee?

150. Yes.—I could not put a figure on it; it would be a very large number.

151. *Chairman*: The difference between a discussion of policy in the Scottish Grand Committee and in a separate assembly is, as you suggested, that the Scottish Grand Committee, or at least the majority of it, are harnessed by responsibility, they are supporters of a government which if it concedes more money for one object has either to raise more in taxation or take it away from another; whereas an assembly that did not have that responsibility would react in a different way. I take it that is roughly what you were suggesting. May I therefore ask this question? Would it in your opinion serve any useful purpose if the Scottish Grand Committee were to meet in Edinburgh? It would, I presume, have to happen very largely during the parliamentary recess, for obvious reasons, but if that could be arranged would it serve a useful purpose?—In so far as it brought home to the Scottish public the extent to which their affairs are considered

and discussed by Scottish Members of Parliament I should have thought it could have been a useful move. One is sometimes surprised how those things work out. As you know, there is now a Select Committee on Scottish Affairs which has conducted a considerable number of public hearings in Scotland. The coverage of those hearings and the attendance of the public at them has been very disappointing; I cannot speculate why.

152. I want to ask you a few questions about the Select Committee. It is not very widely known in England that there is such a body. It is fairly new, is it not?—It is quite new, less than a year.

153. In the past twelve months how many meetings has it held?—Its first hearing was on 23rd April. The minutes of evidence for the present session have been produced as a House of Commons paper and that can be provided.

154. Yes, we would like to have that and read it. Does the Select Committee have any staff?—It is staffed by clerks from the House. They have recently also appointed an expert adviser in the person of Dr. Gavin McCrone.

155. How many members are there?—There are fifteen or sixteen.

156. And is there a majority of supporters of the Government; is that the intention?—This was probably the intention, but one did not detect in the questioning that this fact influenced the result.

157. Are the majority in fact members of the Government?—They must be.

158. One would suspect so because otherwise it would simply develop into a permanent critical body, would it not?—All select committees tend to be that.

159. This perhaps more than others. Do you see a great future for this Select Committee?—I would hate to speculate on this.

160. Of its meetings, have the greater number been in Scotland?—Not the greater number. When they have been hearing Scottish witnesses they have, with one exception, met in Scotland. On the other occasions they have met in Westminster. I understand their next meeting is scheduled for Inverness next month, where they expect to hear witnesses from the Highlands and Islands Development Board. There are a number of other Scottish witnesses to be heard and further visits to Edinburgh, and perhaps Glasgow, are in prospect.

161. As to the meetings already held in Scotland, you say the amount of public attention was disappointing?—Yes, very disappointing.

162. *Lord Foot*: How far would you say that the lack of interest which has been taken in the proceedings of the Select Committee may be attributable to the fact that the Scottish people generally regard it as the creature of the United Kingdom Government and not really in any way representative of the Scottish people?—I really could not say. I should not have thought that was a big factor in it.

163. *Chairman*: Or might it be that they did not handle their publicity as well as we do?—That could be, sir.

164. Are there any further questions on the parliamentary side? Let me repeat what I have already said: we are conscious that we are dealing with these large subjects in a very superficial way, that this is not of course the final examination of them. It seems better to deal briefly with a number of subjects in this session and come back to them in later sessions.

165. *Mr. Maitland Mackie*: Do you think the deliberations of the Select Committee have had any influence on prospective legislation or thinking for Scotland?—Not so far. I think the Select Committee have in the few months of their existence concentrated mainly on educating themselves and finding out what is going on. One hopes that as they learn more about it—and they do tell us privately that they have learnt a great deal—this will have some positive effects of the kind Mr. Mackie suggests. It is a little early to expect to see that.

166. You indicated that there was no real hold-up of the major Scottish Bills because of lack of parliamentary time, yet one does hear the criticism made that Scotland does not get enough parliamentary time either for discussion or to get Bills through. Have there in the past been complaints from the Secretary of State and other Ministers that they have not been able to get things through quickly enough? You were not very specific in your last answer.—I do not really think I can say more than that I have not known of any serious hold-up in a major Bill. In fact in the last two or three years we have had rather more trouble in getting our legislation ready than in getting it into the House. For example, delay on the Sheriff Court question is due to the complexity and the difficulty of getting legislation ready.

167. *Chairman*: Would you say that legislation on Scottish subjects goes through the House of Commons more quickly because of the existence of the Scottish Grand Committee than similar legislation for England?—Yes, I think that is right; certainly if we did not have the Scottish Grand Committee we would be up against parliamentary time quite heavily.

168. Because more is done upstairs in the Committee very little time is needed on the floor?—Very little time indeed is usually taken on the floor.

169. *Mr. Donnet*: I would like to have this as explicit as possible. You are not left with any sense of grievance as a result of this suggestion that there is inadequate time given to Scottish parliamentary business? Do you think you get your fair share of time?—I have no grievance about not getting my fair share of time, no. The more time is given the more trouble I have; it would not be a grievance.

170. *Dr. Longmuir*: I notice in the report of the General Assembly some years ago an example was given of the Scottish Law of Intestate Succession worked out by the Mackintosh Committee in 1949, I am told that it was 1964 before this got through Parliament. Was this the result of drafting troubles or just the difficulty in getting parliamentary time for a Scottish measure—or perhaps it is not within your knowledge?—As you suggest, it is not within my knowledge. I suspect there might be an amalgam of various factors in this. If this had been a matter of major urgent importance I strongly suspect that time would have been found.

171. The same anomalies in that particular part of law were removed in England about 1920.—Sometimes we must concede that England is ahead of us.

172. The point I am making is that this is too far ahead. It is a complaint that it took all those years after the report by the Mackintosh Committee before legislation was passed in the United Kingdom Parliament.—This is perfectly fair.

173. You did say that this was common to all Departments?—All Departments of Government.

174. But Scotland, one would suggest, having its own legal system, should not be waiting in the queue for a place in the pipeline of legislation.—I think we have to admit that we cannot have everything while other people get one per cent. of what they want. This is not a serious

matter, though my own experience is that with the legalistic type of Bill perhaps there is not the same steam behind it and perhaps this is a parallel phenomenon to the fact that Scottish lawyers by and large are not now coming forward as Members of Parliament.

175. *Lord Kilbrandon*: I am not sure. I think the reason why the legalistic type of Bill gets a low priority is that it is not a vote-catching measure. The Succession Act has remedied innumerable injustices, particularly to women, which were waiting to be dealt with for fifteen years. The Law Commission has to put forward these abominable Law Reform (Miscellaneous Provisions) Bills with all sorts of subjects jammed into one Bill just because we know that we cannot get parliamentary time for ordinary Bills subject by subject when they have no electoral interest. —There is of course a balance in this. As Lord Kilbrandon said, a government that did nothing but legislate on those points would not be terribly popular as a result, and we must bow to the popular will, must we not?

176. *Chairman*: I would like to go on to the question of finance—that is to say, how the Scottish Office gets its money out of Parliament—and what are the advantages and disadvantages that you see in the present system. Would you like to say something in a preliminary way about how that works?—It is dealt with very briefly in Part I, paragraph 19, of our paper. It was dealt with much more fully in papers that went to the Select Committee and I am not sure how far you would wish me to retrace the ground which was covered there.

177. I suppose those papers would be available to us?—They are a public document; both the papers and the oral evidence by the Treasury and ourselves are at great length.

178. Then we will certainly read those. But in principle, as I understand it, the system by which the Scottish Office obtains its estimates is the same as for Great Britain Departments?—That is so.

179. Are there any peculiar advantages or differences in the procedure? You said that figures were available for expenditure per head in different categories, and in many if not most of those expenditure for Scotland was higher than for England. This does not happen just by the light of nature, but because somebody decides that it shall be so?—That is so.

180. How is that decision reached? —This is, especially nowadays, a very

interdepartmental exercise. The Treasury year by year, as is all explained in the Select Committee papers, builds up with Departments a picture of the projected expenditure in the next five years in varying degrees of detail. The figures are given for what the expenditure would be, given a continuation of existing policy, which, as the Treasury says, is not a precise thing but a term of art which the Departments and the Treasury have learned to live with. Ministers are then presented with this picture. There are notes which indicate that if something comes off a particular service the consequences are so-and-so, and if something should be added to a particular service the consequences would be so-and-so. Special references to Scotland are necessary in those notes. It is then a matter for ministerial decision just how the sums will be settled. The primary approach to this is still a functional one rather than a Scottish versus English one. Let us take housing as an example. The build-up is comprised of a figure that the Scottish Department provides, showing what they think they need assuming a continuation of present policy, and the English Department gives one. These together will give the total for Great Britain for housing—you will forgive me if I leave out Wales for the moment. When the broad decisions are reached, primarily functional decisions, it is then a matter for more detailed negotiation between Departments and the Treasury, and if necessary between Ministers, on the precise Scottish share of each particular head. Suppose Ministers decreed that the total for service X had to come down by £5 million, it would then be a matter for negotiation how much of that was Scottish and how much was English. Scottish needs are of course taken into account in building up the original total. Any special Scottish needs come in again if there is any question of paring down. At the end of the day after all those totals have been settled it is now recognised that the Secretary of State may wish, despite the Great Britain pattern that has emerged, to make marginal adjustment between Scottish services. He might think a little less on roads, a little more on housing; the machinery accepts and recognises this. This is not fully developed but it is moving in this direction.

181. Is it your impression that in this process of negotiation which goes on—or bitter in-fighting, as I have heard it described—Scotland gains by having the Scottish Office specifically to represent it? —I think undoubtedly yes.



182. Is there a correlation between those subjects on which the spending per capita is higher in Scotland than in England and those that are looked after by the Scottish Departments?—Not entirely. It comes to my notice that assistance to industry, which is a Board of Trade service in both countries, is very favourable for Scotland. This reflects the fact that the development areas cover 95 per cent. in Scotland and a very much smaller percentage in England.

183. I have heard it said that if the criteria for determining expenditure on roads in England were applied in Scotland there would be no expenditure on roads in Scotland; whereas in fact there is a considerable expenditure on roads in Scotland. How is that sort of decision reached?—I would not myself say there would be no expenditure, but I think it is undoubtedly true that some schemes get through in Scotland that might not get through in England on the tests that are applied.

184. Why?—On very broad general grounds I suppose.

185. Because they are Scottish?—Because by and large Scotland needs development of her environment as an essential process in attracting industry, and one cannot quite get that factor into the cost/benefit analysis.

186. So if I said that the system seems to be especially designed to secure benefits for Scotland you would be disposed to agree?—The system certainly does not work to Scotland's disadvantage.

187. *Professor Robertson*: We are obviously going to have the benefit of more detailed information, but perhaps a few general points might be brought out at this stage. Firstly, can we be quite clear about the revenue that is then allocated? Is there any revenue that accrues to the Scottish Office at all?—None.

188. Therefore you go to the Treasury, like everybody else?—Yes.

189. Secondly, you go to the Treasury in a manner which may be done by Wales but is not done by any comparable Great Britain Department in England? We have the right to go to the Treasury seeking an allocation, and no other five million or so people in England can make that unified approach?—They have not got a Minister looking after them as Scotland has.

190. And their planning councils do not get in on this particular in-fighting?—They are consulted on that; how effective that consultation is I would not know.

191. Which are you hinting, that they are in or out?—They are consulted, they see the figures and they say what they think about them.

192. But they do not go to the next argumental stage?—No.

193. We established earlier that in the allocation of resources some parts of the activities—education, health, and so on—were directly Scottish Office, some were by Ministries with Scottish offices and some by Ministries with not much in the way of Scottish offices. Could we take these three in turn? Firstly, on housing you said a Scottish bid went in taking account of Scottish factors. This bid is not just a statement of numbers. Does it say that the overcrowding rate in Scotland is  $x$ , whereas in England we know it to be less? Is it a detailed statement?—It is a detailed statement in terms of numbers of houses to be built in a particular period.

194. But does the Treasury expect to be informed of the background circumstances and take that argument into account?—It expects to have that and of course it gets it.

195. But on the other hand when the money is allocated for housing are you then committed to build, say, 1,000 houses in Cumbernauld and 500 houses in Livingston? How far are you controlled in what you do with the money?—Hardly at all. The allocation for Scottish housing is a national figure and the sub-allocation of that between different areas is the Scottish Office responsibility.

196. So you put in detailed arguments but once you get the money you do what you like with it?—Within limits.

197. *Chairman*: Are you in any different position on your housing vote in Scotland from the Ministry of Housing on its vote in England?—Not in this respect.

198. *Professor Robertson*: Except that this is the only planning council area apart from Wales in that position?—Yes, though in practice this is not a field in which we work particularly closely with the planning council.

199. The revenue goes to the United Kingdom Treasury and we are now talking about it being allocated back. Does anyone mention in these debates how much money went in in the first place? Is the question of revenue brought up?—No, not at all.

200. So there is no limit either positive or negative on how much you may get?—There is no positive limit and I have never heard the argument deployed.

201. It does not matter how much we put in—we get out what we are thought to need?—Yes.

202. The question of the balance rests entirely on expenditure and not on revenue?—Yes.

203. Taking the second category—of United Kingdom Departments with a strong office in Edinburgh, or if, for example, the Board of Trade were developing an expenditure programme on advance factories would the debate prior to the allocation of money for that purpose by the Treasury at United Kingdom level include an input of argument from the Scottish element of the Board of Trade and would that be influenced by you before the decision was made on the money?—May I ask Mr. McGuinness to explain how the detail of this works?

—(Mr. McGuinness): In terms of advance factory allocations, the Planning Board is concerned with these, it is part of the programme of industrial reconstruction. So the Controller will indicate to the Board what his ideas are and then there is discussion among the Board members and then discussion with the Scottish Office directly later on; so at that level there is full consultation. Then when his proposals go to the headquarters there is also consultation between the Scottish Office and the headquarters. This is on specific programmes, and of course it is the specific programmes that are related to the budgetary elements which are put into the Board of Trade forecast. So at two levels there is full appraisal of the Scottish requirement.

204. You act to help determine both the amount and the detail of the allocation of the Board of Trade's money in Scotland?—Yes, in that specific respect.

205. But how general is this? In other matters on which the Board of Trade in Scotland is concerned, are you in on the in-fighting along with the Board of Trade? Does the principal controller in Scotland of the Board of Trade act as your chief ally in getting money?

206. *Chairman*: Is it possible that the Board of Trade is not the best example for your case, because of the existence of the Scottish Economic Planning Council? Could we take perhaps the Ministry of Power, where the question of the Scottish Council does not arise?—The Ministry of Power of course are represented on the Economic Planning Board also, and our relationship varies naturally in degree between Departments, but the objective all the time is to get an identity of view in

Scotland, and for those views to be channelled by the Scottish Office to the Secretary of State, and by the functional Ministry to its headquarters as representing what the Scottish official view is on resources.

206A. The particular point we are on is still the process of getting money appropriated by Parliament, and I think Professor Robertson's question is: even in those Departments for which the Scottish Office is not responsible, does it nevertheless play a part in achieving the amount of money that is spent in Scotland?—Yes, through the methods I have described.

207. *Professor Robertson*: This is true whether there is a strong Scottish office of that Ministry or not?—Yes, it is; where there is no Scottish office of the Ministry—for example, the Ministry of Transport on its railways, ports and services of that sort—then, as Sir Douglas has explained, a senior representative comes up from London regularly to the Planning Board every month, and in addition we have got our own direct channels of communication and meetings take place between us either in London or in Edinburgh.

208. We heard that in relation to housing the Scottish case deployed what arguments were thought to be good in Scotland. When one starts talking about a U.K. Ministry, is the framework, the inevitable cost/benefit framework, set up in London, and the Scottish argument has to be fitted into this, or is it possible to put a quite different Scottish view?—Historically as regards one or two very major services of great importance to economic development, there has been a greater and greater measure of a Scottish element or a Scottish assessment brought into play. I do not want to go too far back, but this started really at the beginning of the 'sixties, when I think Scotland was almost taking the lead in saying that the provision of infrastructure and the deliberate fostering of growth was really one of the major strategies for dealing with persistent unemployment and an out-moded industrial structure. So that in fact in the various papers which have come up from the Scottish Office—the White Paper on Central Scotland in 1963, and the much bigger White Paper in 1966 covering the whole of Scotland—all the assessments and the resultant decisions reflected the Scottish Office's assessment of the importance of public investment, particularly of highway investment and housing in support of economic growth, involving large expenditures of money. All these were incorporated as deliberate

instruments of policy, and although these were collective decisions of Government, the preliminary work was done by the Planning Board and the Departments participated in it. This represented a definite new move forward to take account of Scotland's special economic conditions.

209. We heard in the case of Scottish Office activities that once your detailed argument is accepted and the money has been agreed, the Scottish Office retains freedom to spend within reason as it thinks appropriate. What happens with a U.K. Ministry? Let us say that the Ministry of Power gets a budget for Scotland, is it possible for the Scottish Office to evolve a policy in the spending of that money, or help to evolve it, in a manner to some degree free from the original argument upon which the money was allocated, or are you then tied?—This is a matter which varies a good deal from service to service, but the essence of co-ordination through the Planning Board machinery is to identify changes and to import flexibility wherever it is possible, and this necessarily sometimes involves U.K. Departments making changes specifically for the benefit of Scotland. There have been many examples of their making changes within their own allocation structure.

210. *Chairman*: I understood Sir Douglas to say that in the process of working out the total Scottish estimate there was provision, when all the arguments were finished, for the Secretary of State to make some adjustments, if he saw fit, to spend more on roads and less on something else. That presumably happens before the estimates are presented to Parliament and adopted?—(*Sir Douglas Hadow*): Certainly. I may have misled the Commission. What we are talking about here is not really the formation of the annual estimates, it is the formation of the public expenditure projects, which are an earlier stage.

211. Going on from that, would you see any possibility and any virtue in a system in which there was greater freedom for the Secretary of State, after the voting of money by Parliament, to vary the objects on which it was spent? I know this would be a serious breach in the system of public finance as it has prevailed in this country for a long time, but that perhaps does not rule it out of consideration.—I think after the estimates are presented it is possibly too late to do much in the way of making a change, not only theoretically but practically. The significance of the annual estimates is not what

it once was. The really significant work in the control of public expenditure is now done through the Public Expenditure Survey, which looks much further ahead than the year into which we have just entered.

212. You do not think there would be great virtue in moving towards a system in which Scotland got a single unspecified grant-in-aid for all services?—I do not myself think there would be great advantage.

213. Scotland might get less money that way than the present way?—That would be possible. I would not know on what basis such an allocation could be built.

213A. That is why I made the point, because the only possible basis would be a per capita basis.—That would be most unfortunate.

214. *Professor Street*: Within the four Departments which fall within your scope, would you see any advantage in arriving at the figures for the four Departments in the way in which they are now arrived at, and yet giving you some limited power to move the allocation around within the four Departments under your charge after the estimates are in and the money is in your hands?—Not, I think, after the money is in our hands, because the time factor is against any significant change then. You cannot stop building houses and build roads at about two months' notice, the term of planning of the programme is much longer than that. You can only do it effectively at the Public Expenditure Survey stage, the focus year of which is two years ahead. It makes sense to switch money two years ahead and still use it sensibly; if you try to switch money at very short notice you find yourselves doing very stupid things.

215. *Chairman*: As a matter of practice in the course of the estimate procedure does the Scottish Education Department go and talk to the Treasury with the Department of Education & Science, and then the result is incorporated in a Scottish Office vote?—Yes. There is a forum—there are two stages in this—in which the Treasury, with the Education Departments, sit down and look ahead, then at the more detailed stage of discussion, possibly after the ministerial decision has been taken, this is done directly between the Treasury and the Department of Education & Science on the one hand and the Scottish Education Department on the other.

216. And that would be true of other parallel Departments?—Yes.

217. *Professor Robertson*: There is one further small point: there was complaint in Scotland that the Secretary of State had not got any kind of common good fund to use in an emergency. I do not know the rights and wrongs or the details of it, but this was said, for example, about hurricane relief in Glasgow in 1968. Could you comment on this? Is the Secretary of State in any better or worse position than an Englishman as to this kind of thing?—He is in the same position as an Englishman. If unforeseen emergencies demand expenditure, then he has behind him the whole resources of the Treasury to meet absolutely essential expenditure. There is no question of his having a limited contingency fund and being told: "Too bad you did not see this coming, there is your contingency fund and that is all you can get." Again it is the question of the authorised expenditure being related to the needs, whatever they may be.

218. *Mr. Talfan Davies*: I get the impression from this discussion that the political representatives play very little part in these processes?—That would be a most unfortunate impression, and it is not in fact so—it would be incorrect as well as unfortunate.

219. If that be the case, is the political favour in Scotland, if it is very different from that in England, of any importance in the in-fighting? If, as in Wales there is a very large percentage of Labour members, with a Labour Government in London, then the position is rather an advantageous one, but supposing it was very different, that you had a Conservative Government in London and 34 members of the Labour Party representing Wales, would the position perhaps be a little different in the in-fighting?—I would not expect to be privy to the political in-fighting.

220. I was going to ask you what was meant by in-fighting.—It was not my term, I think.

221. *Chairman*: Does this conclude the questioning on financial matters? In that case we will turn to economic development in Scotland, which, Mr. McGuinness, is your particular speciality. Perhaps you could start by making a preliminary statement—the Select Committee are at present examining this question, are they not, and I believe you put in quite a lot of papers to them, but they have not yet reported?—(*Mr. McGuinness*): That is so, yes.

222. You must forgive us therefore if we traverse something of the same ground, but I hope not too much. Can you answer this general question: in what respect does the Scottish economic development programme function differently from the way it functions in an English economic planning region, both (a) in terms of institutions, and (b) in terms of methods and purposes?—The essential difference in Scotland is that there is a Minister of the Crown, of Cabinet rank, whose responsibilities include preparing regional economic plans and securing their implementation. In this respect such functions in England are carried out by the Department of Economic Affairs. This does not mean to say that the Secretary of State is responsible for all aspects of the Scottish economy, his responsibilities in this respect lie strictly within the field of economic development. The second main difference is that he has an apparatus associated with his office, located in Edinburgh, which works in direct conjunction with another Department of his which is also very directly concerned—the Scottish Development Department, which provides the main range of the infrastructure services required to support economic development. There are of course other links, because the Departments of Agriculture and Education and certain aspects of the Home & Health Department are intimately concerned with these functions. So in that respect you have got a basic core of an organisation of an inter-departmental kind that exists in Scotland namely, the Scottish Economic Planning Board. The main interdepartmental discussions take place there on all the aspects of economic development which are the concern of the United Kingdom Departments, who are the main instruments of economic growth, since the Scottish Office as such has no direct responsibility for the industrial development, for labour supply, labour training, for science and research. All these Departments are represented on the Economic Planning Board. Finally, there is a difference in the superstructure in Scotland, in the sense that the Scottish Economic Planning Council is chaired by the Secretary of State himself, and thereby the views of the Council are conveyed to him directly and immediately at the Council meetings. These are the main differences I think between Scotland as an economic planning region of the United Kingdom and a corresponding region in England.

223. That adds up to quite a substantial difference in machinery. Does it add up

to quite a substantial difference in results? —This is a matter on which you would not expect me to give a complete commentary, because you will be getting evidence from many other sources. In terms of resources, I might put it like this, that Scotland in the last twelve years has been going through a really enormous economic revolution of an outmoded industrial structure based on coal, steel and so on, created in the 19th century. The impact of these changes was felt from about 1957 onwards, with its full rigour. For instance, the coal industry in 1957 employed about 100,000 men; it now employs less than 30,000, and there are many other aspects of change which necessarily follow from such a big dramatic run-down. This has been taking place simultaneously with a change in the physical environment in central Scotland, so that there have been quite enormous problems to deal with. But in terms of the effort of Government, and the local authorities in support, there have been increasingly larger shares of public investment. This is reflected quickly in the large growth of the building industry, which is the main instrument through which infrastructure is provided. This infrastructure has developed most dramatically especially in the 'sixties. New towns have been developed, they have been extremely successful in attracting new industries, and in many respects a lot of these new areas which have developed in Scotland have proved, as time has gone on, to have a large and magnetic appeal. Without that kind of planning, without that kind of growth concentration, I do not think we would have had anything like the same success in bringing new industry to Scotland.

224. *Sir Mark Henig*: There are advocates who say that Scotland should have much more responsibility for its own economic well-being, but would you not agree, because of what you have just said, that if in fact Scotland were to become completely detached from England economically, Scotland would be very much worse off than it is now?—Predictions are always difficult, and hypothetical predictions are even more difficult. I think I can only say that in terms of the growth which has been achieved in the last six or seven years—large investment in infrastructure, matched by industrial development—I would find it very difficult to envisage that happening with the same speed and on the same scale unless the same amount of physical and financial resources had been made available. Whether this could have been done at a

time when Scotland's incomes were depressed and there was recession, and so on, is really an open question.

225. Would it be a fair interpretation of your answer, then, if I were to put it this way, that Government policies over the past years, whereby industry has been directed to Scotland as a development area, where grants have been made available, have been helpful to Scotland, rather than the reverse?—Without doubt, yes.

226. And without that general policy in regard to the United Kingdom as a whole, Scotland might have been in a very much worse position economically than it is? —I think that is possible.

227. I am interested in the Economic Planning Council, and the fact that the Secretary of State is the chairman, whereas as you rightly said, in England there is no Minister in charge of each Council, although there is a Minister with overall responsibility. Does this really mean that, as far as the Scottish Economic Planning Council is concerned, with the Secretary of State taking the chair, decisions reached by the Council do in fact become implemented perhaps much more quickly than otherwise would have been the case? In other words, a decision having been taken by the Economic Planning Council, does the Secretary of State say, "Right, these are the wishes of people in Scotland, I am going to do my best to see that they are implemented"?—I would not quite use the word "decisions", because after all the Council is advisory, but what it does mean is that the Secretary of State gets immediate receipt, in his own person, of this advice, and he is therefore in a position to act on it or decide what he will do with it, very quickly.

228. One of the criticisms of Economic Planning Councils in general is that they are bodies which are only advisory and have no teeth, but you are rather suggesting the teeth are provided by the Secretary of State being in the chair?—In some respects I think that would be quite right, yes.

229. *Sir James Steel*: Would you agree that in addition to the attraction of industry from other parts of the United Kingdom to Scotland, a very important factor is the negative one of refusals of industrial development certificates in the areas from which these companies migrate? —I think this is absolutely critical. All our analyses over the period, and especially the very detailed work which has been done by the Board of Trade on a survey of the origins and growth of firms which moved



in the period 1945 to 1965, demonstrate to us conclusively that when industrial development control is rigorously applied, as it was between 1945 and 1951 and in the last five or six years, then the rate of movement of firms is very much increased. This is really quite fundamental, because Scotland's new structure has been generated by fast-growing industries, most of whom had no roots here.

230. *Mr. Houghton*: The answers which you have given rather suggest that the relationship between England, Wales and Scotland is that Scotland is in receipt of economic aid from Britain. Is that how you see it?—I would not quite put it like that. I would have said that the national economy of the United Kingdom presents problems of underdevelopment in certain areas and overdevelopment in other areas. In the interests not only of fair shares and fairness but of the economic health of the country as a whole, there must be a better distribution of resources. In addition of course this better distribution deploys underutilised resources. It is an economic positive, it is not to be regarded solely as a form of aid.

231. But having regard to the identification of Scottish expenditure and the separate apparatus of government which resides in Scotland, and the separate ministerial position of the Secretary of State in the Government, would you say that national interest and national sentiment and national aspirations add strongly to the merits of any case?—I think always where you have got a particular type of regional effort or national effort, clearly this will add to the strength of presentation. But whereas in the case of Scotland this is backed by economic facts—that is, resources of labour and other physical resources—then of course it adds up very often to particularly strong claims.

232. Starting with the Act of Union, which I always go back to, which is an act of unity, a form of integration, would you say that the whole trend since has been to develop the special interest and to provide a special position and a special satisfaction for one part of the family of the United Kingdom?—No, I do not think so, unless you take "special" in a very special sense.

233. Would it be wrong then to suggest that the policy of the British Government is to keep a contented Scotland?—I should have thought the policy of the British Government was to keep a contented Britain, not just a contented Scotland.

234. But I do not notice that the British Government takes any special steps to keep a contented Yorkshire, where I come from—I have no national sentiment, I have no Act of Union.—I could not say whether Yorkshire is contented or not, I suppose it depends whether they are top of the cricket league or not.

235. In that case they are highly discontented.

236. *Mr. Maitland Mackie*: Accepting the change which has taken place in Scotland, with fairly massive investment in housing and the attraction of industry so that there has been a visible change in economic development over the past six or seven years, is it a corollary of the question which Sir James Steel asked that this development could not have taken place by decisions of a Scottish parliament, and that it needed a conscious decision by a British parliament to say: "We have now developed too much in certain areas"? and I have tried to say that, in my view and experience, the interlocking of the inducement policy and the negative policy of restraint is absolutely critical to Scotland and the other development areas.

237. *Chairman*: In other words, when development happens in Scotland it is partly because of Scottish pull and partly because of English push?—Absolutely.

238. And if that were missing . . . ?  
—A critical ingredient would be taken away.

239. *Mr. Maitland Mackie*: You did in fact require finance as well as the decision, and again it was a conscious British decision, which could not have been done in Scotland?—That is perhaps more debatable, because that would depend immensely on priorities of every kind. I do not think I could answer that categorically; it would depend on how much resources were available. But other factors come into play apart from the mere question of push and pull, there are factors of economic interrelationships, the fact that the economy is to an increasing extent becoming interdependent in different parts of the country; one must not for instance forget that very large amounts of the steel that is rolled in the Scottish strip mills goes to the motor-car industry in England, and subcontracting is of course going on on a very great scale. All these are very important factors also.

240. *Mr. Craig Macdonald*: Does the Board of Trade advisory committee, popularly known as BOTAC, still exist?  
—Yes, it does.

241. In that event may I ask if it is still as autonomous and as completely independent as it used to be, so that neither the Scottish Secretary nor the Prime Minister himself can affect its decisions once they are made?—These questions are more properly for the Board of Trade, but my impression is that it brings an independent judgment to bear on all the cases which come before it.

242. Would you care to say whether or not in your experience BOTAC seemed reasonably favourably disposed to development in Scotland?—Yes. The BOTAC machinery over the years has grown and developed. Of course it takes full account of all the development areas, but contacts in Scotland are really very strong, there is a Scotsman on BOTAC, and their chief officer is in Scotland regularly.

243. *Chairman:* One sometimes hears it said, as an example of Scottish grievances, that the headquarters of too many industrial concerns operating in Scotland are in London. I do not know why this should be any more true of Scotland than of Yorkshire and Lancashire, but in development work do you find that that creates any difficulty?—I would not say difficulty, in the sense that a lot of the industrial contact work is done by ourselves and the Board of Trade in London. It is a phenomenon which is essentially associated with the types of industry which are coming to Scotland, the motor-car industries, the electronic groups and all the rest of it. These very often at the minimum are U.K. companies, and certainly very many of them are international companies, so it is only natural that their headquarters should be outside Scotland. This opens up a very big question: the extent to which there is overcentralisation not only in terms of Scotland but in terms of other areas of the United Kingdom—centralisation of commercial administration.

244. Yes, but would it be your impression that this is more of a problem for Scotland than, shall we say, northern England? Is more of Scottish industry externally directed than is true of the north of England?—Perhaps a little more as regards the new industries, because the types of new industries which have come up to Scotland, many of them of the type I have just described, certainly have this U.K. or international character. We have a very large volume of American investment in Scotland and many of these firms have other plants in the United Kingdom, and therefore very often their British headquarters are in London.

245. Does this suggest that there are fewer locally generated new industries in Scotland than there are in parts of England? Might it be that Scottish capital has shown less initiative than is shown in parts of England in thinking up new interests of its own, and that the new industries here have had to come from outside?—I think this is again part of the question of structure, because Scottish industry was very fully integrated certainly before the first world war, and for a long time after that, in the heavier capital goods field, with large subcontracting capacity in that field. Now the whole complex of the industrial structure is being changed, therefore it would be too early in my view to reach pessimistic judgments about the extent to which the new industries as they come in will not generate subcontracting and other capacities here. In fact it is beginning to show itself as the qualities of management change. There have been a few spin-offs from the electronics industry already. I would not really put it in terms of praise or blame for Scottish capital or Scottish enterprise, I think it is the very, very unusual economic structural circumstances.

246. Do you detect any differences between Scotland and England, or parts of England, in the availability of capital? If somebody wishes to raise capital and can make a good case for it, will he get his money as readily, or perhaps more readily or less readily, in Scotland?—I would say as readily. Yes, quite sincerely I would say as readily.

247. *Lord Kilbrandon:* There is a feeling in Scotland that as industry becomes more and more centralised, so there becomes no opportunity in Scotland for the "top brass" of industry to remain in Scotland; the heads of industry will be somewhere outside Scotland. This may be outside your field, as impinging on the political field rather than the economic, because the Scotsman would then have to say: "Even supposing this is happening in the north-east of England, I do not care." Scotland is a nation, and the nation of Scotland is losing its top industrial brass, but when the north-east of England becomes centralised in London, England is losing nothing—have you heard this?—Indeed, yes.

248. But you would regard this as a political question rather than an economic one?—It falls perhaps between the two. But you are dealing with a very special set of circumstances here. You could not wait as it were for a new top brass in a major electronics industry, you could not

wait for a new top brass to create a new Scottish motor-car industry. You must make economic progress. What you can hope is that the levels of management will rise, that in due course in industry too there will be more devolution of management, it is bound to come to a certain extent, so it is a phenomenon on which you cannot take too short a view.

249. *Chairman*: But is it necessarily a bad thing that English industry as well as Scottish industry should be run by Scots, even though they have to go and live in London to do it? Is that necessarily a bad thing for Scotland?—I think the impression which is perhaps tending to gain ground is that the kind of centralisation which people have talked about will in fact limit management opportunities in Scotland, a real career structure in Scotland.

250. So it is really opportunities of promotion for middle management, rather than the top brass, which has always been recruited in England from Scots?—I think this is one of the worries.

251. *Sir James Steel*: One of the dangers as you will know very well, is that if it is a branch factory there is always a danger, in a slump or recession, of a branch factory being closed first. I think the Board of Trade practice, in Scotland as elsewhere in other development areas, is to give a greater encouragement to companies which will move in, lock, stock and barrel, and thus to get their head office and their sales and design and development departments to move as well. But I would suggest that in the long term even more than this is required, because to start new industries and develop young industries you must have the right technological education in the country, with young graduates going into that type of discipline, and also research stations, from which there is a considerable spin-off of new ideas which may result eventually in new industries. —Indeed, these two things are quite essential, and the level of technological education is rising, and frankly, although firms in the past in Scotland have perhaps been not as enterprising as they might have been in taking on and using properly university talent, I think this is also changing. We are also now beginning to see the signs of movement of research and development to Scotland by firms who find

it worth while to locate new research and development beside new production.

252. *Mrs. Trenaman*: You said that the advantage in Scotland of having the Secretary of State in the chair of the Economic Planning Council is that he has the advice of the Council directly, as well as having a body to implement it for him in his Department. The members are appointed presumably by the Secretary of State. Would you see any advantage in their being elected?—I would have to know: "elected by whom?"

253. There would be various ways of doing it. I am reminded of this partly because of the reply which Sir Douglas Hadow made earlier about knowing what the people of Scotland think. He explained that the Scottish Office were frequently in touch with Scottish institutions of various kinds. That is not quite the same thing. Presumably the members of the Scottish Economic Planning Council are speaking as individuals and they represent a wide cross-section of opinion and experience. But suppose they were elected within their industries, trade unions, and so on, would this not perhaps show better what opinion was?—(*Sir Douglas Hadow*): I suppose in a way it might. The difficulty I see about election to an Economic Planning Council is how one makes sure one gets the coverage which one can get from an appointed Council. So many of the interests which we have on it have got to be rolled up, one man may represent two or three interests, and you cannot get that by election in that way.

254. *Chairman*: You mean that it might turn out that there were no lawyers elected?—I am not sure there are any appointed, either. But that is the kind of point. The important thing on the Economic Planning Council as I see it is the width of coverage we get on it, and certainly election by local authorities would not give us that, and would not give us a better impression of public feeling, because we are already in touch with the authorities. It would need to be a very complex system of election, which I would not, I think, welcome.

255. I think we must now close this session. Thank you, Sir Douglas and Mr. McGuinness, very sincerely for all your help.

(*The witnesses withdrew*)



# MINUTES OF EVIDENCE

TAKEN BEFORE THE

## COMMISSION ON THE CONSTITUTION

Sitting in Edinburgh on Tuesday, 30th September, 1969

### *Present:*

LORD CROWTHER (*Chairman*)

MR. A. TALFAN DAVIES, Q.C.

PROFESSOR F. H. NEWARK, C.B.E.

LORD FOOT

PROFESSOR D. J. ROBERTSON

ALDERMAN SIR MARK HENIG

SIR JAMES STEEL, C.B.E., D.L., J.P.

THE HON. LORD KILBRANDON

SIR BEN BOWEN THOMAS

THE VERY REV. J. B. LONGMUIR, T.D., D.D.

MRS. M. S. TRENAMAN

### *Assistant Commissioners*

MR. A. M. DONNET

MR. MAITLAND MACKIE

MR. A. CRAIG MACDONALD

MR. J. MILLER

MR. R. J. GUPPY, C.B. (*Secretary*)

MR. A. H. BISHOP (*Assistant Secretary*)

### *Witnesses*

MR. A. B. HUME, C.B., *Secretary*,

MR. R. A. DINGWALL-SMITH, *Under-Secretary*,  
on behalf of the Scottish Development Department.

MR. R. E. C. JOHNSON, C.B., *Secretary*,

MR. J. HOGARTH, *Under-Secretary*,  
on behalf of the Scottish Home and Health Department.

REV. E. GEORGE BALLS, *Convener*,

REV. W. B. JOHNSTON, *Vice-Convener*,

MR. J. M. REID, *Convener, Scottish Interest Sub-Committee*,

REV. G. V. R. GRANT,

on behalf of the Committee on Church and Nation, Church of Scotland.

PROVOST D. R. MCINTYRE

MR. H. WATT

MR. A. DONALDSON

DR. D. SIMPSON

MR. I. MACDONALD

MR. G. WILSON

MR. H. C. D. RANKIN

PROFESSOR I. MACGIBBON

on behalf of the Scottish National Party.

*Called in and Examined*

[A summary of the functions of the Scottish Development Department is given in Part III of the Memorandum by the Scottish Office.]

256. *Chairman*: We are going to depart a little this morning from the sequence of topics in which they appear in the printed evidence, in order to meet the convenience of witnesses. It is intended today to start with the work of the Scottish Development Department, and we have before us Mr. Hume, the Secretary of that Department, and his colleague, Mr. Dingwall-Smith, an Under-Secretary. I must repeat the blanket apology which I made yesterday for appearing to deal with these matters superficially; this is a deliberate policy of touching on topics on this first occasion, in order to come back to them later. After a time which will I fear, prove too short, we shall have to go over to the Scottish Home & Health Department and ask them some questions; then we shall follow with the Committee on Church & Nation of the Church of Scotland. We start with the Scottish Development Department. Do you find, Mr. Hume, that that name leads to misunderstanding in Scotland of what you do?—*(Mr. Hume)*: Yes sir, a little. It was as good a description as we could devise when we set up the Department seven years ago, but we are concerned with the support for development—the infrastructure as you might say—the housing, the roads, the water supplies, electricity, town and country planning, and of course the general and important job of trying to look after local government.

257. You are chiefly concerned with what it has become fashionable to call the environmental services?—That is so.

258. That is to say, the land—not the land in the agricultural sense—the use which is made of land, the things which are put upon the land, and the like. This means that you perform for Scotland the functions which in England are performed by quite a number of different Departments?—Yes, mainly the Ministry of Housing & Local Government, the Ministry of Transport and the Ministry of Power.

259. Your relationships with all those Ministries are presumably close?—Extremely close, yes.

260. The Ministry of Power is the only one which has functions of its own in Scotland, is that correct?—No, the Ministry of Transport looks after railways,

of course. The Ministry of Power looks after the fuel industries other than electricity, which is our business.

261. These frontiers are a little bit difficult to keep in mind. Would you say that in matters for which you are responsible the policies pursued in Scotland are recognisably different from those pursued in England?—Where Scotland's needs demand it, certainly.

262. Could you give us some examples of that?—Yes. Two years ago we reorganised the structure of the water service in Scotland, and we now have thirteen large public authorities supplying water from source to tap. This is partly because of our geography, partly because in Scotland the water service has been in public hands for a long time, but it does mark a complete difference from the rather complicated English structure, on which I should not like to be cross-examined. That is one example. Then in the housing field I am sure Mr. Dingwall-Smith could describe later, if you wish, a number of distinct Scottish features, such as the existence of the Scottish Special Housing Association, which devotes its activities to housing in support of economic growth. In the field of new towns we have made a number of innovations in Scotland. Structurally the arrangements are the same, the legislation is very much the same as the English legislation, but we have used it in rather different ways to make more of our new towns greater growth points than some of the English new towns. The balance in the new towns between overspill from large cities and economic growth housing is rather different in Scotland from at least parts of England. I could give you a longer list, but perhaps I should mention roads, where we have followed different lines from England. There were deliberate policies laid down for roads in the Scottish economic planning document for 1965 to 1970, priorities being the joining of the Scotland central belt to England and the providing of good communications within that belt, concentrating on trunk roads first; and now in a new White Paper this year we have pointed to a different policy in the 'seventies, with more emphasis on roads inside towns, and outside towns on principal roads rather than on trunk roads. This differs markedly from the English strategy. It is

adopted to meet Scotland's needs. It is devised by Scottish Ministers with our help and approved by their colleagues, in a financial sense and in so far as approval is needed in terms of Cabinet responsibility, as being suitable for Scotland's road needs.

263. I would like to take up briefly both roads and water, roads first of all. If what we were talking about were not Scotland but, let us say, north-east England, is the policy which you are pursuing on roads in Scotland sufficiently different that, if it were north-east England, it would have to go to the Minister in London for decision, or would it be within the discretion of the regional offices of the Ministry of Transport?—I have no doubt it would have to go to London. It is after all a policy adopted for a fairly self-contained unit, in a sense. Any road plan for north-east England would, I imagine, have to fit much more closely into a strategy devised for the whole of England.

264. So the existence of the Scottish Office and your Department of it does enable specifically Scottish policies to be pursued?—Yes, and perhaps I should add that it enables them to be married to each other. The roads policy has been married in with town and country planning—with strategic planning, it has been married in with new towns policy, it has been married in with housing policy. These all come under the Secretary of State, and, at the executive level, within my own Department.

265. If these distinctive Scottish policies cost more money, then of course you have to get that money from the Treasury?—Yes.

266. Do you find that usually a hard struggle? Does the Treasury, in dealing with such a request, tend to compare your level of expenditure with that of the Ministry of Transport in England?—Certainly. There are in fact standing committees which include officers of the Treasury, of the Ministry of Transport and of my own Department, looking at roads programming ahead, and everything there is argued out on merits. I can assure you that no emotional claims for special Scottish treatment would receive much hearing in that company.

267. No, claims not for more money because it is Scotland but more money for a stated reason?—Quite. We have to develop our case on merits, persuade our colleagues—as the Secretary of State has to persuade his—that expenditure of this degree is justified.

268. And the record shows that at least sometimes you are successful in that, does it?—After many hard struggles, yes.

269. May I turn now to water, which has the advantage perhaps of being a relatively uncontroversial and self-contained matter. You said a few minutes ago that recently there was a new policy on water in Scotland. Can you tell us a little about the genesis of that policy?—Certainly. I would perhaps ask Mr. Dingwall-Smith to do this, as he is the Under-Secretary in charge of water and in fact carried through the reorganisation.—(Mr. Dingwall-Smith): The genesis of the policy, Chairman, was really within the Department, our own engineers, who something like seven or eight years ago were getting extremely concerned about the fact that in the centre of Scotland the water supply situation was getting quite difficult, with a very large number of mostly small authorities, each independently responsible for its own particular area, and having to get water from where it could, usually from outside its own area. The Secretary of State was advised to reconstitute the Scottish Water Advisory Committee with a remit to look at the whole question of water supplies for central Scotland. The Committee produced a report on that subject about five years ago and the terms of the report were such that it was quite clear that in the Committee's view to look at central Scotland by itself was not sufficient, and that a wider remit was necessary, and in fact they were given a further remit to study the whole of Scotland. They worked out the policy, which was finally enacted in an Act of Parliament two years ago.

270. At what stage in the gradual evolution of this policy did you start consulting with the Ministry of Housing and Local Government?—I think it would be fair to say that throughout the development of the work of the Water Advisory Committee the officers of the Department were in constant consultation with officers in the Ministry of Housing.

271. To what extent if any—and I am talking now *de facto* and not *de jure*—was the agreement of the Ministry of Housing thought to be necessary in the development of this policy?—The Ministry of Housing at official level, I would think, not at all, but at the stage at which the Minister proposes to introduce legislation, as in all other legislation, he consults his Cabinet colleagues, and this was in fact the only stage at which it was considered necessary to consult with the

Minister of Housing and the Secretary of State for Wales for their interests.

272. When it comes to the point of asking for more money for a policy of this sort—and here again I am talking about the realities of the case and not what appears in documents—is there any tendency at all for the Treasury to go along to the English Department concerned and say: “This is what these Scottish chaps want to do, is this a good thing or is it not?”—I think this might have been the case at one time, but we have developed in a good many fields the process to which Mr. Hume referred in relation to roads, whereby the Departments in the different countries dealing with a particular function discuss matters round the table with the Treasury, and it is common practice to talk about our common problems in this way nowadays.

273. One can draw a distinction between a very natural desire to take full advantage of the expertise which may exist in a very much larger Department which can afford more specialisation and any question of coming under its wing or requiring its consent to proceed. What I am trying to elicit is what degree, if any, of the latter exists in the system?—(*Mr. Hume*): If I may answer generally, I would say very little. We certainly do not regard the expenditure on distinctively Scottish policies as being subject to a veto in Whitehall from any parallel English Department. In practice it does not work out that way.

274. You have to deal with the dragon of the Treasury as everybody does, but there is not a second and subsidiary dragon in the wings who has to be conciliated?—No. Of course, if there are developments of a similar kind to be expected in another part of the country there is consultation—for example, we legislated on the countryside before England did, and naturally we took pains to ensure that as England would come along later they knew what we were devising. This was a natural precaution as there had to be some harmony established. In this case we were in the lead, in other cases they are.

275. So the independence which the Scottish Office enjoys in these matters, within the existing system of government, is not merely a paper independence but a real independence?—Certainly.

276. *Sir Mark Henig*: I was interested, Mr. Hume, in your comment: “We look after local government generally.” Given such an all-embracing Ministry looking after local government generally, is it not a fact that the dissatisfaction expressed

by certain sections of the Scots population with government from Whitehall is really dissatisfaction with government from St. Andrew’s House? You have indicated in your replies that in fact Whitehall has very little to do with the decisions which are made in St. Andrew’s House, apart from the Treasury on the question of finance.—I find it very difficult, as I think Sir Douglas Hadow did, to identify and analyse the sources of dissatisfaction. Some of it may be with systems of government, some may be with Government policies, some may even be with politicians, some may be with civil servants, who are called bureaucrats on occasion, so it is almost impossible to give a direct answer to that. One must not speculate, but if one had not had the amount of devolution which we have, I can conceive that the feeling of remoteness of the Scottish people from their government would be much stronger.

277. Then can I accept it as your viewpoint that, at any rate as far as local government in Scotland is concerned, those in local government are dealing with Scots officers, a Scottish Civil Service in a sense, and that the important decisions, apart possibly from the one of finance, are really dealt with in Edinburgh by Scots advisers and a Scots Minister?—That is certainly true, although of course, as we all recognise, finance enters into many of these decisions.

278. *Professor Robertson*: It is quite often said, on the subject of roads, that the worst road to Scotland is that over Shap, that there is a gap between the motorway or dual carriageway provided to about Ecclefechan and the English motorway system. Taking that as an illustration of Border problems, it raises two points: firstly, is there any means by which the Scottish Office can effectively influence the Ministry of Transport on this kind of issue, and secondly, if there were no Scottish Office, would there be a road over Shap, would the Ministry of Transport in fact take more seriously the commitment of access to Scotland?—On the first point, certainly there are close contacts between ourselves and the Ministry of Transport on making completely through routes. I think in England there have perhaps been more difficulties over the line of that particular road, which we were lucky enough not to encounter on the way down to Carlisle. I would say, though, that just on the Border the by-passing of Gretna has been quite a problem, and the difficulties there have been between local authorities on both sides of the Border,

with the two Ministries at one in trying to sort this out. This is the kind of road trouble into which one runs. On the second point, if the Ministry of Transport had been responsible for roads in Scotland, as they were until 1956, I would imagine that they would have had to be as susceptible to economic pressures as we have been, but they would not perhaps have been having these impressed upon them so consciously and so frequently and so intensively. This is a matter of speculation; whether they would have responded as we would have responded, I would not like to say.

279. In other words you would say that communications between regions are better for having strong regional authorities?—I would have thought so. I can of course only speak of communications between Scotland and regions in the north of England.

280. It will be within your knowledge that there are a number of proposals for rationalisation in England. Roads seem to raise a particularly acute problem of co-ordination. How would you see this working in connection with rationalisation proposals? Can I tempt you a little: let us suppose there were, say, ten regions covering Scotland, England and Wales together. Do you think such an organisation is feasible from the point of view of such things as the co-ordination of transport?—I am not to be tempted, sir. This is out of my province.

281. Very well. Mr. McGuinness argued yesterday that he thought that planning—by which I think he was referring to regional planning—was in advance intellectually in Scotland, that we had done more. Would you agree with that view?—Mr. McGuinness knows more about the intellectual background of planning than I do. I would say that in practical terms we had a head start on the English regions, and perhaps we turned that to advantage.

282. Could you suggest why that might be so, why we had the start?—There is a long history to this. I think it goes back to the original thinking, just after the war, about Scotland's developing economic plight, and I imagine the fact that we are a nation and concerned with our national welfare, and have organs of the press and so on to express this led to more thinking in academic circles, as well as in government and in other fora, about the needs.

283. Do you feel that this point you were making of the integration of the

various Ministries within Scotland under the Secretary of State is important in this?—Certainly we were in St. Andrew's House one focus of this forward thinking, and I cannot think of an appropriate Ministry in Whitehall at that time which could have had the responsibility either for doing that or for promoting that in an English region.

284. It would appear that if in fact Scottish regional planning is more co-ordinated, takes into account more factors—housing and transport, and so on—it should be more readily understandable to people in Scotland; yet both yourself and Sir Douglas Hadow yesterday tended to the view that the Scottish people felt remote from St. Andrew's House. In effect you both said that there is a good product and you are having marketing difficulties. Why?—I think this is fair. I do not really know why. Among the local authorities there is understanding of what we are up to and how we are doing it, and I would think there is a much closer rapport between us and the Scottish local authorities than I encountered when I served in Whitehall, between some English Ministries and English local authorities. As it happens they are on our doorstep, they are in and out of St. Andrew's House every day; and we go out and see them frequently. I think in that area there is an appreciation. Why this does not get through I do not know. Ministers say it often enough; perhaps the Press is not interested in reporting it, I do not know.

285. This is obviously a crucial issue for us since in a sense it is dissatisfaction that is our concern, and for you because you are both prepared to say that you have something to sell and are having difficulty in selling it. Is there any medium by which you can improve this, or which we can suggest might improve it?—The Scottish Information Office has developed a number of new techniques, such as the use of broadsheets and various publicity media. Essentially I think this is a question for the Ministers of the day. If they feel that it is right to describe the situation, the advances, they do so, and that ought to get the publicity which is due to it.

286. *Chairman:* Would you think that the existence of an elected assembly, be it the Scottish Grand Committee meeting in Edinburgh or a specially elected assembly would help in this respect?—I frankly do not know. As I think Sir Douglas Hadow said yesterday, the first steps in this direction were perhaps taken by setting up a Select Committee on Scottish Affairs and

arranging meetings in Edinburgh. The response to these meetings was not outstandingly good.

287. *Lord Kilbrandon*: But have we any evidence of the dissatisfaction in Scotland with the administration? There is plenty of dissatisfaction with national and local government, but as far as administration goes do people go about in the street with long faces saying they are remote from St. Andrew's House? I do not think they do I think as long as government goes on it works as a kind of routine and people are satisfied with it. I think they are dissatisfied with policies and not with administration.—As I said earlier, I find it very difficult to separate out the strands of this alleged—not alleged, because we are conscious of it—this dissatisfaction, as to how much is against policy, how much is against administration, how much is against politicians, how much is against civil servants.

288. *Mr. Talfan Davies*: You have said that with this degree of civil service autonomy in Scotland you have had a head start and advantages have accrued as a result. Could you enumerate three or four examples which would demonstrate the advantages to Scotland as compared with, say, an English region, so that we may know what has stemmed from this activity in practical terms?—I think the first major advantage is that of being able to put plans together over a whole field, so that they coalesce and can then be followed out one by one so that they complement each other. This has been done in at least two White Papers, one on central Scotland and a later one on Scotland as a whole. That is a general advantage which carries through on the ground, so that the roads go in the right places at the right times, and houses go in the right places, and industry goes in the right places. That is a general advantage to which one can point. Stemming from that there is the possibility of offering with more confidence to, say, an incoming industrialist, water supplies in the right place; for example, some of the water schemes now being planned are being planned deliberately to allow for industrial expansion which we see coming as a result of sub-regional studies, again promoted through our co-operative machinery in St. Andrew's House. This is the kind of area in which I think we benefit.

289. Have you established in Scotland a Water Board covering the whole of the country, or have you several Water Boards?—We amalgamated 200 water

authorities into 13, and there is also a Central Scotland Water Development Board, which will step in when one region cannot look after itself, although most of these regions are reasonably self-contained.

290. Is there competition between these Water Boards, or is there an overall harmony?—No, they are territorial, each one looks after a particular area.

291. *Sir James Steel*: May I raise three points which come within the scope of the Scottish Development Department, which have not yet been touched upon? The first is housing. In the written evidence, page 19, paragraph 22, it is mentioned that there is 29 per cent. of home ownership in Scotland, and 71 per cent. public ownership, but that since the war only 14 per cent. of the house completions have been for private owners, although this has improved in 1968 to 21 per cent. You will know that the Ministry of Housing in England is bringing pressure to bear upon authorities to increase the extent of completions for home ownership and the use of private capital up to 50 per cent. of total completions?—In the new towns?

292. New towns particularly, yes. I wonder if you can tell us why the home ownership is so low in Scotland, and what is to be done about it?—May I first deal with the 50 per cent. point, and then ask my colleague, who is our housing Under-Secretary, to deal with the rest? In the new towns we also are aiming to increase the amount of private ownership of housing, and indeed of commercial property. This is ministerial policy, and 50 per cent. is the target. We are a long way further off that than they are in at least some of the English new towns, but there is a movement now going in that direction. Several new towns are successfully building for sale, and some are selling off older houses too. There is a demand for these and where there is a demand it will be met. On the general point, might I ask Mr. Dingwall-Smith to pick up from there?—(*Mr. Dingwall-Smith*): Might I first of all correct what I think was a misunderstanding. It was said that 71 per cent. is in public ownership—that of course is not so, a very substantial proportion of the houses which are let are in private ownership. Seventy-one per cent. of the houses are occupied under service tenancies or let, but of these approximately 50 per cent. are actually publicly owned. The reason why we have at the present time such a relatively small proportion of houses being built for home ownership is very largely a question of past practice and tradition.



The people of Scotland have on the whole been brought up to living in rented houses, very largely houses which were provided by employers, which went with the jobs which they did, particularly in agriculture of course, and subsequently even in the towns many houses were built—many of the tenements we have are an inheritance of the Industrial Revolution, when houses were built largely by employers in order to provide accommodation for people moving into these areas to work for them. This is something which breaks down fairly slowly, particularly in a country where the economy has not been anything like so healthy as it has in the south. People in Scotland on average still earn lower wages than they do in Great Britain as a whole. They suffer and have suffered more unemployment than in Britain as a whole. They have therefore been less willing to embark on home ownership, and building societies have been less willing to lend them money for the purpose; therefore there is a continued demand through all these things for houses to let to a greater extent than there is in England.

293. *Chairman*: Is it not also quite a bit due to the levels of rents, which, for reasons which I do not understand, have always been lower in Scotland than in England?—This of course is another of these issues of tradition. Rents have always tended to be very low for the let houses in Scotland, and there is a tendency on the part of local authorities who build houses to let, to let them at rents which are very much lower than the real cost of the house.

294. *Sir James Steel*: This means rent subsidy, does it not?—Yes, the houses which are built by public authorities in Scotland receive the same subsidies from the Government as would be paid if they were built by local authorities in England, but in addition the local authority has to meet any deficit on the management of the houses which is incurred through the difference between costs and rents. The amount put in by the local authorities in Scotland is in fact greater than the amount put in by the Government, whereas in England the local authorities put in only a tiny fraction compared with what is contributed by the Government.

295. My second point relates to new towns, Mr. Hume. You mentioned that the new town movement in Scotland comes under the Scottish Development Department. Wherein lies the difference with England, unless perhaps in the designation of the new town, in as much as it appears to me that the administration

of the new towns and the general conduct is almost identical in Scotland and in England? Has any real advantage accrued from separating them out from the rest of the new town group?—(*Mr. Hume*): It is true, sir, as I think I indicated earlier, that the governing statutes are the same. You mentioned location. That is important. With us, new towns have been the handmaiden of two things: first of all industrial growth, and secondly, accommodation of over-spill, mainly from Glasgow. This has meant that they have been at the heart of two of the Scottish government's main policies since the war. They have bulked more largely I think than the new towns in England, so that the mere power for the Scottish Secretary to decide, with his colleagues, to have a new town, and to put it in a particular place, is I think important. It is important that the Secretary of State for Scotland should have that power. Then on policy there have been considerable differences in emphasis in the policies of the Scottish new towns. We have mentioned already the house letting or house selling policy. There have been more advance factories built in the first generation of Scottish new towns than in the English new towns. This is the sort of area in which I think differences of policy follow from having this under Scottish control.

296. The third point relates to energy. You mentioned that with electrical energy the Scottish Board has considerable autonomy, and a suggestion is that this might be extended to gas and other fuels. In connection with gas, for instance, there is a Scottish Board which is on the same footing as the different English boards. Do you see any advantage which would result from having more autonomy for the Scottish Gas Board?—I think this situation has been transformed by the discovery of North Sea gas. The gas industry, on which I am not a specialist, seems to me to depend now very much on a grid of pipelines which ought to be administered as a single structure over the whole country, as I suppose the railway lines are. That is an immediate and obvious point.

297. Yes, the advantages of the grid system would be lost, would they not, if any one board wanted to be self-contained?—As an amateur, I would have thought so.

298. *Chairman*: Is not the position then that with electricity, where there is already a grid, Scotland is administratively independent, whereas in gas, where there

is not, gas matters are handled from London? Does that not seem to be the wrong way round?—It is quite true, Chairman, that there is a very useful back-up facility to the South of Scotland Electricity Board and the North of Scotland Hydro Electricity Board in the lines from the Electricity Boards across the Border, but there is a great area between the industrial belt of Scotland and Northern England where electricity supply is not a major consideration—you do not need large supplies—and this has been one of the things which have made it possible to organise and operate the two systems very largely separately.

299. The question of the Highlands and Islands falls within your Department, does it not?—It has for the past year, sir.

300. The Highlands and Islands Development Board has its seat in Inverness?—Yes.

301. Do you have any office in Inverness?—No.

302. Could it not be said that if Scotland derives advantage from having its administration decentralised to Scotland, the same argument applies in perhaps a somewhat smaller sphere, that the Highlands and Islands policy might benefit if more of the government administration equally were devolved to Inverness?—I would not have thought so. We have in fact just closed an office in Inverness which was looking after Highland roads at one time, and handed the work over to the local authorities there, who are now capable of carrying it out. I think the stationing of the headquarters of the Highlands and Islands Development Board in Inverness has led to a sense of identity among Highlanders, even stronger than it was before, and to a feeling that they are having that identity recognised. I doubt a little whether if we put an office there this would be similarly interpreted. It would have to be either an office with a great number of disparate sections or a number of offices, because the agriculturalists, the fishery people, those concerned with roads, electricity, with all these sections of work, would need representation. It would be a very odd collection of disparate functions which were brought together.

303. Your relationship with the Highlands and Islands Development Board is presumably intimate and close?—Certainly.

304. But it takes place in Edinburgh?—I have visited Inverness three times

for talks with the Board since I became responsible a year ago. My staff are up and down at least every two or three weeks. We regard this as a two-way operation.

305. Within your Department here in Scotland do you have a special Highlands and Islands section?—Yes, I have a division dealing mainly with the Highlands and Islands but that is with the Highlands and Islands Development Board's functions. Other parts of other Departments deal with other things, for example the Crofters Commission comes under my colleague in the Department of Agriculture & Fisheries; so do the agricultural estates owned by the Secretary of State in the Highlands.

306. Perhaps the next question is one you prefer not to answer: The Wheatley Commission recommends that one of its regions should embrace the whole of the Highlands and Islands, everything from Kintyre to Shetland. If that were done, would you expect any change in these matters about which I have just been asking you questions? Would you expect that to lead to a greater centralisation of administration matters for that area in Inverness?—Certainly on the Wheatley premise it would lead to the centralisation of local government for the area in Inverness, and, also on the Wheatley premise, if central government were to give more power to the local authorities, which the Commission recommends—and I may say we gave them evidence that this should be the situation—then there would be a centre of larger power in Inverness on those two premises.

307. I do not want to repeat all the questions again, but may I ask the basic question in relation not to the Highlands and Islands as a whole, but to Orkney and Shetland specifically: do you see any case for special administrative relations with the two island counties?—Special administrative relationships in the sense that we should set up an Orkney and a Shetland office, or something like that?

308. Yes?—I should not have thought that would make administrative sense.

309. So that it is your view that Scotland as a whole gains from administrative devolution?—Yes.

310. But that there is no great advantage to be secured from carrying out any further devolution within Scotland?—This is a large question bound up with consideration of the Wheatley Report. The Commission did recommend what would virtually be more devolution—that is, more transfer of powers from central to



local government, local government in their terms being the councils for seven regional areas. This is the debate at the beginning of which I suppose we all are.

311. Yes, that is a question which somebody will decide. But you do not think there needs to be a special answer to that question either for the Highlands and Islands as a whole or for Orkney and Shetland separately?—There may have to be some particular answer within the local government reform context but not, I should have thought, a very different one.

312. *Mr. Craig Macdonald*: May we refer to housing and have a brief statement about the operations of the Scottish Special Housing Association. How do they get the money and how do they establish lower rents to compete with houses built by local authorities?—(*Mr. Dingwall-Smith*): The Association recently opened the 70,000th house which it has built. It is in fact the biggest owner of public authority housing in Scotland except for Glasgow Corporation. It gets its money to meet the cost of building the houses by loans from the National Loans Fund, and of course it has to meet loan charges; it receives the ordinary subsidies which any local authority receives from the Government; in addition it receives an additional grant which is running at the present time at the rate of a little under £2 million a year. It has to fix its rents at a level which enables it to balance its accounts within that sort of finance. The consequence of this is that it is able to charge rents which are reasonably in line with the rents charged by local authorities.

313. *Chairman*: In what kind of relationship does this special grant stand on a per house basis to the average deficit in the local authority rate fund?—£2 million on 70,000 is something like £30 a house, and that is rather less than the average contribution which a local authority makes.

314. Is it much less?—No, the average of a local authority is between £30 and £40.

315. I see, of the same order?—Yes. This grant is given deliberately so that the S.S.H.A. does not have to charge rents which are completely out of line with those charged by local authorities, and if the local authorities gradually bring their rents up to a level nearer to costs, then it will be possible for the S.S.H.A. to do the same and for the extra grant to be reduced.

316. Is there a similar housing association in England getting a similar grant?—No.

317. *Professor Robertson*: May I ask one question about the Highlands? I was rather worried about what was being said about decentralisation with the Highlands or Shetland being taken as the examples, because one can see that the regions in central Scotland are more compact geographically and more able to take decentralisation of power to them than the Highlands and Islands. If I wanted to get to Inveraray, the capital of the West Highlands, I would much prefer to start from Edinburgh than from Inverness. Could not exactly the opposite charge be laid against your Department that in creating the Highlands & Islands Development Board it has offloaded the rather untidy set of responsibilities which could be best dealt with from Edinburgh onto a board located in a not very convenient spot, and could you not in fact be accused of neglect on this point?—(*Mr. Hume*): I think that the suggestion of offloading is not justified. In fact new powers were created and a large number of old powers remain in the Secretary of State's Departments—agricultural subsidy, fishing subsidy, and so on. The Highlands & Islands Development Board is not the only or the major Government administrative agency for the Highlands. The Secretary of State's Departments still deal with the major part of the administrative work.

318. In other words, you still worry about that policy for the Highlands as much as you used to do?—Indeed, yes. This is an agency which has to look at the needs of Highland development and has powers to meet those needs. It looks across the whole field of the Highlands and advises the Secretary of State and takes action itself. But this does not relieve us of our responsibilities in the functional fields. For example, if a Highland county council wants another road improved—many have been, of course, but they still seem to want some more improved—they come to us and they mobilise the support of the Highlands Board if they can get it.

319. *Chairman*: Thank you very much. I think it is now time that we turned to the Scottish Home & Health Department.

(*The witnesses withdrew.*)



*Called in and Examined*

[A summary of the functions of the Scottish Home and Health Department is given in Part V of the Memorandum by the Scottish Office.]

320. *Chairman:* Our next witnesses are Mr. Johnson, Secretary, and Mr. Hogarth, an Under-Secretary, in the Home & Health Department of the Scottish Office. Mr. Johnson, your Department performs in Scotland the functions, broadly speaking, that are performed in England by the Home Office and by one-half of the Ministry of Health and Social Security? —Yes. We also do some work which is done by the Lord Chancellor's Department.

321. Yes, perhaps we can come to that a little bit later. The Department of Health and Social Security is a comparatively recent creation in London and it was a merging of a Great Britain Department with an England and Wales Department? —Yes.

322. Do you know whether in the discussions that preceded that merger this fact received any attention? —I think so, sir. It was of course certainly very much in the minds of our Department and of our Ministers, who no doubt communicated it to other Ministers if they needed to be reminded.

323. Would there be any possibility that the social security functions of the London Department should also be devolved to your Department in Scotland? —This would be difficult, for two reasons—firstly, because there is a Supplementary Benefits Commission which inevitably must cover the whole country; secondly, because there is really no scope here for separate administration. If you are thinking in terms of payments to people in need this must be on the same basis throughout the country and I do not think there is any scope for this to be administered with any slant to Scottish needs.

324. That Department is in fact devolved to Newcastle-on-Tyne? —Yes.

325. So it is incorrect to talk of it as a London Department in any case? —It is a Great Britain Department with regional offices.

326. Does this fact, at first sight curious—that half of that Department is devolved to Scotland but not the other—give rise to any practical difficulties? —I do not think so, sir. The only sort of practical difficulty we expected was that the general public would walk into social security offices expecting something to be done

about the family doctor service, but the public does not seem to have made this mistake. And of course personal relationships are very good, they always have been. I think it is an odd arrangement but we will see how it works.

327. May we now take up the health side of your functions and see what questions there are on that and then move on to the home side and probably finish up with the legal matters that you mentioned. First of all on the health side, are there significant differences in the administration of health matters between Scotland and England? —I should not say they were significant in the sense that the member of the public receives a different kind of service with a different objective in Scotland than in England and Wales. But there are various specialities which we have. For example, the ambulance service is organised on a national basis, whereas local authorities have it in England and Wales. In Scotland health centres are a direct responsibility of the Secretary of State and not of the local authorities. Health education is more directly under the Secretary of State's direction. We have a Mental Welfare Commission appointed by Royal Warrant which looks after the interests of persons in mental hospitals or otherwise in mental care. We have a Scottish Hospital Centre, which is a joint effort between the hospital authorities and the Secretary of State's Department, for research and development of ideas in the running and design of hospitals. Perhaps I should also mention special arrangements for the family doctor service in the Highlands where, owing to the remoteness of the areas, normal arrangements would not be quite applicable. But the general objectives are the same.

328. The National Health Service in Scotland is part of the Great Britain health service? —I should have said it was a sister service, because there are separate National Health Service Acts for Scotland and for England and Wales, and the head of the Health Service in Scotland is the Secretary of State, whereas the head of the Health Service in England and Wales is the Secretary of State for the Social Services.

329. But hospital administration is equally distinctively Scottish? —Yes, it

is, because we have five regional hospital boards. In England and Wales there are a larger number and there are also the boards of governors of teaching hospitals which are not responsible to the regional hospital boards but directly to the Department; we do not have that feature. Our teaching hospitals are run by boards of management just like the non-teaching hospitals, and these are responsible to the regional boards just as the boards of the other hospitals are. This is partly because we have so much teaching in hospitals—our medical education is a bigger proportion of the hospital effort than it is in England and Wales—and partly because the distinction between teaching hospitals and non-teaching hospitals is getting a little bit frayed at the edges.

330. This is not a matter on which we have received any evidence and therefore my knowledge of it is only that of the ordinary newspaper reader, but there are considerable discussions going on in England about possible reorganisation of the whole of the health service, with various proposals afoot. Are similar discussions going on on a parallel basis in Scotland?—Yes.

331. On a parallel basis or as part of the Scottish organisation?—As part of the Scottish organisation. We are not keeping exactly the same timetable as the English Department on this. I think it would be true to say that we in St. Andrew's House started talking amongst ourselves on this subject before they started talking about it in the Ministry of Health. On external appearances it looked the other way up, because the English Minister published for public discussion his Green Paper with these proposals for integration before the Secretary of State for Scotland published his, but that is because we tackled the thing in a different way and we had a round of discussions with the health service interests and got their views and ideas on an informal basis before we even published a Green Paper for public discussion. So it looked as though our Green Paper was a bit late and lagged behind, but actually we had been going a different way about it and now we are at the stage of receiving the public observations on the Green Paper. It is a little difficult to say where we will go from here because Ministers have not reached decisions and this is now affected to some extent by the Wheatley proposals, and so on. But certainly we are very active and very enthusiastic to improve the organisation.

332. You mentioned the Wheatley proposal. In the reorganisation of local government it looks at the moment as if some divergent policies are going to be pursued in England—in this case it is England and not England and Wales—and Scotland. Can you see this happening in health administration? Is it possible that the differences that you listed and which you yourself said were relatively minor might grow larger, that the organisation and shape of the health service in Scotland might come over time to diverge further from that in England?—My feeling is that the integration proposals which so far have had a pretty fair wind will go through in both countries. Then there will be the question of drawing the areas of the health boards on the map. I suppose—this can only be speculation—that in each country there will be a feeling that the areas at any rate ought to correspond in some ways as best they can with the areas drawn on the map following Wheatley and Maud. This might lead to some kind of divergence—I am not sure.

333. It could lead to divergence in this sense, that the average population of one of the Maud regions in England will be five million, whereas the average population of one of the Wheatley regions in Scotland will be very much smaller.—This could lead to a system of two-tier in one country and one-tier in another, but I think we could live with it that way.

334. The particular point of relevance to this discussion is that, whether or not there will be divergence, there could be. The thinking and the decision-making on the organisation of health in Scotland is organised separately from that in England, and if the same conclusion is reached it is because two sets of people have independently come to the same conclusion?—The objective of the whole thing is patient-care, and it may be that because the patients are differently distributed in the two countries the organisation of the care may be different.

335. *Mr. Maitland Mackie:* On the health service, do you get any particular complaints because boards of management at various levels are not responsible to any elected members? They are dealing with very large sums of money and are responsible for something that the public know and care about, yet they are not responsible to any elected members. Has this been a bone of contention?—I think it would be fair to say that in the course of the various discussions that have arisen

on reorganisation there is a feeling that in some way the position of the persons who represent the public through having at least been elected to something should be strengthened. On the other side there is a feeling that the position of the professional representative should be strengthened. I am not aware of any strong resentment on this, but of course there is all the time a feeling that the boards should include people who, for instance, are members of local authorities and have been seen to be representing the public and to be regarded by the public as representing them in some way.

336. Assuming that the present type of board is the best professional way to get the job done, is this an area where some sort of assembly in Scotland would enable this sort of issue to be discussed in Scotland nationally by Scottish elected members rather than in local regions?—I think that the present arrangement whereby quite a large number of distinguished leaders of local government are in fact involved in the National Health Service is one in which the elected representatives do have plenty of opportunity of making their views known. Whether another elected assembly in Edinburgh would help us I am not quite sure.

337. *Sir James Steel*: The figures on page 34 of the written evidence would suggest that the health service is better in several important respects for the patient in Scotland than it is in England and Wales. For instance, the number of staffed beds is about 33½ per cent. higher in Scotland, the number of general practitioners is about 20 per cent. higher, and the total cost of the health and welfare services per head of population is roughly 15 per cent. higher. Is this because the people of Scotland make a greater contribution to the health service, or if not, from what source is the extra cost met?—Nearly all this money comes from the Exchequer, from the vote of my Department. I think the reason for these figures is partly geographical and partly traditional and historical. It is obviously more expensive to provide a health service in a country like Scotland where a large number of the population live in the central belt and there are both north and south wide areas which are sparsely populated; this must make things a lot more expensive. It is also true that at the time of nationalisation of the service we inherited more in the way of physical resources of hospitals and beds and perhaps more doctors. As everyone knows, a large number of doctors

are educated in Scotland, and many of them like to stay not very far from their university.

338. So it would be true that for the same contribution people in Scotland get a better service than people in England?—They get a more expensive service; we certainly hope it is as good as it can be, I would not like to say that we give them a better service than in England.

339. *Chairman*: We will now proceed to home matters. May I start with the general question: are there any outstanding differences in the way in which what for brevity I will call Home Office matters are dealt with by your Department from the way that they are dealt with in England?—The most striking difference is the fire service organisation. I think I am right in saying that in England and Wales there is a very large number of comparatively small brigades and that this is still a difficulty in the organisation. No doubt it will now be overtaken by the Royal Commission. In 1947 when the Fire Service Act was passed which undid the national fire service, Parliament provided that in Scotland there should be only eleven brigades—that is, Glasgow and ten combined brigades in other parts of Scotland. So from the beginning of the post-war period we have had this quite small number of brigades. This, operationally at any rate, has been to the advantage of the service from our point of view in having a small number of chief officers with whom we can discuss things, and in each place a fairly sizeable operational command. This is the most spectacular difference if you draw the home services on the map of the two countries. There are some differences in our penal establishments which reflect to some extent the fact that our prisoners are a little different from the people that gravitate to the South for a life of crime. There are two main differences. Firstly, we have a kind of institution that does not exist in England and Wales—that is, a young offenders' institution, which takes the place of prison for young men and women under the age of 21. Secondly, we do not have a very high security prison, and if we had any prisoners—we do not at the moment—who required high security treatment we would have to send them to England to be locked up there.

340. This is a new idea to me, that crime is different in Scotland?—There is a brain drain, sir.

341. That is a most interesting thought. What about police matters? Is the supervision of police force significantly different?

—I do not think there is any significant difference. The situation as regards the size of police forces is the opposite way up from the fire brigades. When I was first acquainted with the Scottish police there were 50 forces and now there are 20 as a result of a fairly recent process of amalgamation. A lot of our forces are comparatively small and we do not of course have any very large forces such as they have in England through the amalgamation of county forces with the very large boroughs among them.

342. Do you have any officials corresponding to the Inspectors of Constabulary?

—Yes, we have two Inspectors of Constabulary and they have two or three staff officers. The two inspectors divide Scotland geographically between them, but the Chief Inspector is responsible for the whole thing and make an annual report to the Secretary of State which is presented to Parliament. The Inspectors are most valuable people in interpreting the police to the central government and in interpreting the policy of the central government to the police officers.

343. I take it that in what one can perhaps call the higher detective matters there is a close relationship with Scotland Yard?—Yes, there is, but we have also just set up a Scottish crime squad. This is a new development and its headquarters in Airdrie are going to be opened in ten days time.

344. An even newer Scotland Yard?—A Scottish Scotland Yard.

345. Where it is desirable for a Scottish police force to call on the services of Scotland Yard is that done direct or does it come through your Department?—I have never known it come through the Department. If and when the police require it, they will do it themselves.

346. This is a matter of which my knowledge is chiefly derived from works of fiction, but I think it is a fairly informal relationship?—I think the fact of the matter is that as things have been in the past the Glasgow Detective Chief Superintendents have always been able to do anything that was wanted.

347. So Glasgow is, so to speak, your Scotland Yard in this respect?—Yes.

348. That would not perhaps apply to matters where international connections arise?—No. But one usually finds that with anything of real difficulty the Glasgow police have been pretty effective.

349. *Mr. Craig Macdonald*: Who establishes the ceiling for the staffing of the

police force and how far short are we in Scotland?—The complements for each force are approved by the Secretary of State. There is a table on page 36 which gives the establishment and the strength. This table goes up only to 1967, but I would say that the deficit has been very much the same since.

350. Who establishes the ceiling?—

The suggestion comes from the police authority, no doubt moved by the chief constable, to the Secretary of State.

351. *Mr. Talfan Davies*: As a law-abiding Welshman, one piece of information rather strikes me, and that is the comparison of the prison population in Scotland with the rest of the country (paragraph 42, page 40), where it refers to 96 persons in custody per 100,000 of the population in Scotland as compared with 69 per 100,000 in England and Wales. And again it is irrefutable, it seems to me, that Scotland enjoys one great advantage inasmuch as it spends over £4 million in respect of this administration, which is a far greater percentage than for the rest of the country. What is the reason for that? Is it the efficiency of the police force in the administration of the law, or is it that in Scotland the people are not so law-abiding?—This one is very difficult. As far as I can make out, the growth of indictable offences for England and Wales from 1950 to 1960 was from 460,000 to nearly 1,300,000; whereas the growth in crimes in Scotland in the same period was roughly from 75,000 to 152,000. In other words, the growth of indictable offences has been much greater in England and Wales than the growth of crimes has been in Scotland. Owing to the differences in the system you cannot say that these offences are exactly the same thing, but the impression I have is that the Scots have been getting more wicked at a slower rate than the English and the Welsh and yet, as you say quite rightly, more of them in proportion have the privilege of being looked after by our prisons and the growth of prison population has been greater than the growth in England and Wales.

352. It might be that when they are wicked they are given a longer sentence and that cures them.—I hope it cures them. I think this is the answer. I do not think we have got more criminals, and I do not think that the police are catching a higher proportion so that a higher proportion come before the bench. I think that the bench has been taking a progressively more severe view and has been saying more frequently "You had



better be locked up" and that is why our prisons are bursting at the seams and we have had to spend a lot more money on the staff and overcoming our tremendous arrears of bad building.

353. The significant point for us is that on this matter Scotland manifestly is administered in a different way from England.—Yes, but I think the difference of administration is in the courts, not in the Department. We take the consequences of what the courts have done for us.

354. I was very interested in the difference in the treatment of young offenders. You said the young offenders' institution had been established in Scotland. Who instigated that and what pattern has it followed? Is it a very deterrent institution, or is it a progressive liberal institution? Perhaps you could give us some information about it?—Yes, sir. The story about that is as follows, that there was some time ago—it has ceased to meet now—a Scottish advisory council for the treatment of offenders, presided over by Lord Birsay, as he now is, the chairman of the Scottish Land Court. Similar consideration was given in England and Wales by an English body. The Council deliberated on how the system of custodial treatment for young offenders should be amended, and decided that there were a number of very tough young men, and a few young women—people under 21—who ought to be kept separately from those who went to Borstal or the new detention centre but should not be sent to prison. So they said "Let us have a custodial centre for these really tough chaps." I was an assessor to this body. I think that they really felt this was the end of the road for some of them, they would have graduated through absolutely everything, a custodial centre at the end of the road to keep them under lock and key at this violent, youthful age. This idea of the custodial centre was translated, when the Bill was produced following the report, into a young offenders' institution, which seemed a little bit more respectable and hopeful. Then when the first young offenders' institution was opened, here was a new institution with a collection of new young men of a violent type, and the staff of that place had to find out what to do with them. The staff were extremely good, they were under the leadership of a very good governor, and starting really from nothing they developed a progressive and active form of regime which has done a lot of good. Then the courts got to know about this and said "Here is some-

thing new being started which seems to be doing some good", so they pushed a lot of them in and we had to start new young offenders' institutions. We have had our troubles, because this is really a wagonload of monkeys. But the truth is that no regime was instituted from outside and the staff devised one and it has been good.

355. *Lord Kilbrandon*: I have some questions to ask you about legal administration, but I do not think they are suitable for a public hearing as they are of technical interest, so no doubt we will question you about that in private later on. I want, however, to take up one aspect of the penal side. As regards the difference between Scotland and England in penal matters there is a fairly striking difference between our treatment of young offenders and theirs. Scotland has no junior detention centres, for example?—No, we have never had any detention centres for girls either.

356. I was coming to that. I think in fact they have just abolished the last one in England.—Yes.

357. And your Department is not concerned with the administration of approved schools?—No, that is new with the Social Works Services Group; it was with the Education Department, and the social works services are another story again.

358. But the approved schools in England are to a certain extent administered by the Home Office?—Yes.

359. That is a particular difference between England and Scotland?—That has been a difference for a long time.

360. And in Scotland we are just about to abolish the juvenile courts altogether?—Yes.

361. *Chairman*: At the beginning you told us that your Department performs some of the functions which are performed by the Lord Chancellor's Department in England. Without going into what Lord Kilbrandon has described as the technical details of the administration of justice, could you explain this a little?—This is a long question. The activity which gives us most day-to-day work is the organisation and staffing of the courts. You will understand that the principal court in Scotland, before which the greatest part of both civil and criminal business appears, is the Sheriff Court, that the sheriff is a full-time judge and there is a sheriff within range anywhere you go in Scotland. The Sheriff Court has the service of clerks who together as a whole

body all over Scotland are a sheriff clerk service. The administration of that service in the sense of promotions, postings, moving about, is in the hands of my Department. Then in so far as—this is delicate ground—any organ of executive government has anything to do with the judges themselves, that is to say when they get an increase in pay, when they are appointed and formal warrants have to be submitted to the Queen, and so on, we do that as well.

362. May I interrupt you there? Does that mean that the actual choice of individuals to serve either (a) sheriffs or (b) as judges falls within your Department? —No, sir. I will tell you exactly what appears on our files: a minute from the Lord Advocate to the Secretary of State saying that he recommends so-and-so for appointment. I should not like to speculate what private discussion there may be

between the Lord Advocate and the Secretary of State before pen is put to paper, but certainly it is not a matter in which the Department has any action except the formal matter of making sure that all the pieces of paper are properly moved about and that the person appointed is told where to go, and so on.

363. Judges are appointed by the Crown of course?—Yes, sheriffs also.

364. And the formal mechanism, what appears on the file, is a recommendation from the Lord Advocate naming a person? —Yes.

365. That name is then submitted by the Secretary of State to the Crown? —Yes.

366. Are there any further questions relating to the Home & Health Department? Then, thank you very much.

*(The witnesses withdrew.)*

MEMORANDUM SUBMITTED BY  
THE CHURCH AND NATION COMMITTEE OF THE CHURCH OF SCOTLAND

As the National Church ministering to the Scottish people in every parish, the Church of Scotland is deeply concerned for the welfare of the Scottish nation. The range of this concern is evident in the reports made to the General Assembly every year by committees charged with responsibility for various aspects of the Church's work, and particularly in the Reports of the Church and Nation Committee, which since 1946 has been much concerned with the issues of Scottish self-government.

The Committee welcomes the appointment of the Royal Commission on the Constitution, and gladly embraces the opportunity to submit a statement on behalf of the Church, based upon relevant extracts from the Committee's reports to the General Assembly in recent years, and the deliverances of the General Assembly following upon them.

Reference has been made to 1946. In that year "The General Assembly, recognising the necessity for a greater measure of devolution by Parliament of legislative and administrative power in Scottish affairs, urge(d) that an inquiry into all the issues involved should be instituted . . .". Again in 1948, 1949, 1950 and 1951, the General Assembly referred continuously to the "necessity for a larger measure of devolution of legislative power" and urged the appointment of a Royal Commission to investigate. When such a Commission was appointed under Earl Balfour, it was welcomed by the Assembly, and the Committee gave evidence to the Commission, urging "the establishment of an advisory body, the membership of which would include Scottish M.P.s of all parties and representatives of Local Authorities, meeting at stated times in Scotland to receive representations on matters affecting the well being of the Scottish people, any recommendations thereon to be forwarded to the Secretary of State for Scotland for transmission to the Government". When the Balfour Report was published, the General Assembly "learn(ed) with interest of the recommendations which give increased executive power to the Secretary of State in Scotland in certain departments of administration . . . welcome(d) the declaration that in the absence of convincing evidence of advantage to the contrary, the machinery of government should be designed to dispose of Scottish business in Scotland . . ." but regretted "that the Commission did not regard as falling within its remit any consideration of the larger cultural and national issues which seem to call for a much greater measure of devolution than is recommended in the Report."

The Assembly continued to express similar sentiments in succeeding years. In 1962 the deliverance ran "The General Assembly, while believing that most Scotsmen would wish to remain within the framework of the United Kingdom, commend such developments as would allow Scotsmen to deal with their own affairs, social, economic and legislative . . ." In 1968 "The General Assembly, convinced of the need for an effective form of selfgovernment in Scotland within the framework of the United Kingdom ask Her Majesty's Government for the early appointment of a Royal Commission, consisting of Scots widely representative of Scottish interests, to meet in Scotland . . . to make recommendations which may enable the people of Scotland to choose the form and extent of selfgovernment best suited to the nation's well being, and to treat the matter with the utmost urgency." This year (1969) the Assembly "welcome(d) the decision of Her Majesty's Government to set up a Royal Commission to deal with the relations of the countries within the United Kingdom, and urge(d) that the Commission's conclusions for Scotland should be published within the next two years."

The phrase in the 1962 deliverance and again in 1968 "within the framework of the United Kingdom" is significant. *The General Assembly has never advocated a policy of separation.* They have been aware that the same economic forces which have moved the United Kingdom towards Europe, inevitably bind the economy of Scotland to that of England. They have been aware also that since the war much has been done through the regional policies of the British Government to improve the infrastructure of Scotland, to establish new science-based industries to supplement the older declining industries, to attack the high level of Scottish unemployment and to attempt to stem the tide of emigration from Scotland. The Committee's Report to the Assembly for 1968 stated "Scotland has all the promise of an exciting economic future, provided the United Kingdom as a whole can surmount its present crisis. Some areas give cause for temporary concern . . . Nevertheless the trends are favourable . . . The measures which the Government have taken have undoubtedly altered the economic situation of Scotland." Neither the Committee nor the Church will wish to upset this continuing process.

At the same time the Committee in its reports to the Assembly has made the following points.

1. *The centralising of legislative processes at Westminster means inevitably that Scottish affairs are both inadequately understood and discussed.* "Scotland" the Committee reported in 1962 "is something unknown elsewhere in the English-speaking world, a country with a distinct administrative and legal system but without any legislature or government responsible only to her own people. . . . When matters of pressing importance have to be dealt with, the Government is tempted to include them not in Bills designed for Scotland, but in those which are the fruit of policies devised for English conditions and which must often be awkwardly and sometimes confusingly adjusted by interpretation and reference in an attempt to meet, at second hand, Scottish needs and the forms of Scottish law. These are sometimes imperfectly understood at Westminster, since few Scots lawyers now find it convenient or possible to go to London as M.P.s . . . . It is difficult for the United Kingdom Parliament to find time to deal with distinctively Scottish problems on their merits . . . . A sense of material frustration and a state of things in which national needs are too often met only after organised campaigns of complaint and snoring do not make for spiritual health . . . . The British legislative machine is notoriously overloaded. A reform which relieved the United Kingdom Parliament of Scottish business and which allowed such business to be done more effectively is to be welcomed on both sides of the Border."

2. *Economic policies applicable to other parts of the United Kingdom do not always relate to Scotland.* "We have recently seen policies of credit restriction which may be natural and even necessary for parts of the United Kingdom where overfull employment and over consumption of goods exists, but as the report of the Toothill Committee indicates, are quite unnatural to Scotland where investment in industrial development is badly needed to give work, and where the income per head is below the British average but the rate of saving is high . . . . Evidently a distinctive policy on such questions is needed for Scotland. No constitutional means exist by which such a policy can be worked out and applied."

"Scotland has no body to consider the needs of the country as a whole. The Scottish Council (Development and Industry) is doing much, but neither is it a representative body nor does it have power to enforce its decisions. The T.U.C. is realistic and forthright in its considerations of Scottish problems but is inclined to approach them too exclusively from the economic angle. Scotland needs a body that will concern itself with the nation as a whole and be able to take action or at least to make recommendation with some authority." There is need therefore for "an elected national authority" in Scotland in which on Scottish affairs the Government would be exposed to question and debate. It is the lack of such an "authority" which is responsible for so much of the sense of frustration and sometimes of a sense of helplessness.

"The economic relations between Scotland and other parts of the United Kingdom should be clearly known and understood. The General Assembly . . . have repeatedly asked for reliable figures more particularly of Government revenue drawn from Scotland and Scottish production—though often paid elsewhere—and of Government expenditure within Scotland, not merely 'for Scotland' according to the rather arbitrary criteria approved by the Catto Report."

3. *The political centre of power at Westminster tends to attract to itself other centres of power to the detriment of Scottish interests.* "In addition to Government policies developments in many businesses and in bodies such as the National Boards for fuel and power, transport and communications, the Post Office and Broadcasting Authorities tend to be determined by decisions made in London . . . . Under this system Scotland tends to be treated as a region, and since the 'centre' is anything but central geographically this country becomes the most remote of the regions in Britain."

4. *The continuing high rate of emigration from Scotland.* The Church of Scotland has through the General Assembly repeatedly expressed concern about this. In 1967 the Assembly noted that the population of Scotland was actually declining and that the loss through emigration was chiefly of young men and women in their most active years. The Assembly stressed "the pressing need for effective planning which could afford young Scots a real prospect of satisfying lives in their own country."

5. *Scotland's response to the idea of closer European unity should be distinctive.* "We are now reaching a situation in which a distinctively Scottish voice on public questions may be of value not only to Scottish and other British people but also to Europe. If Britain enters the European Economic Community, new problems and needs will arise. These will not be concerned only with economic matters, though it will obviously be important that the Scots . . . should be able to safeguard their special interests in a wider trading union. Scotland has her own historic links with the Continent. Her Church . . . has been strongly influenced by European Protestantism and has influenced Protestant Europe in its turn. Her education too has roots that are continental rather than insular. Her national system of law is a bridge between the continental tradition and that of Anglo American Common Law. Changes in the internal law of all countries joining the Community are required under the Treaty of Rome. This will call for modifications in Scots Law different from those needed in England . . . . Scotland's natural response to the idea of closer European unity should be distinctive . . . . She must be able to develop her own inheritance freely, and this will be difficult without some form of self-government which would allow her people to take their own decisions."

6. *The value of selfgovernment is spiritual as well as economic.* When units become too large there comes a point where responsible democratic participation becomes increasingly difficult and a sense of alienation develops between the government and the governed. "The value of selfgovernment must be psychological and cultural, even spiritual, no less than economic. The case for national autonomy loses its validity if it is not backed by a belief that fully responsible citizenship and the opportunity to deal with Scotland's problems within the country where they are best understood are things permanently worth having, in difficult times as in better ones . . . . This nation like every other which has a long established consciousness of self identity, of past achievements and also of failures sometimes painfully overcome, has certain qualities of experience to offer . . . and to learn . . . which it can scarcely appreciate fully or adapt to its needs except through institutions of its own choosing."

It will be seen that a form of self-government for Scotland is sought as a means of preserving and developing the distinctive national life. It is believed that democratic control of the country's affairs by those intimately concerned with them, would make for efficiency, would strengthen the feeling of responsibility among Scottish people, and remove their sense of frustration and sometimes helplessness.

The Church claims no competence in devising political constitutions. It believes that effective selfgovernment can exist within the framework of the United Kingdom. It is hoped that the Royal Commission will promote such opportunity.

REV. E. GEORGE BALLS, *Convener*

REV. W. B. JOHNSTON, *Vice-Convener*

MR. J. M. REID, *Convener, Scottish Interest Sub-Committee*

REV. G. V. R. GRANT

*Called in and Examined*

367. *Chairman:* Mr. Balls, I understand you would like to make a preliminary statement before we start asking questions? —(*Mr. Balls:*) Since it was the Church of Scotland which in the first instance called for the appointment of a Commission such as this, I would like first of all to express on behalf of the Church what the General Assembly expressed at its meeting in May last, namely, our cordial appreciation of the appointment of this Commission on the Constitution, even although it was not precisely the kind of Commission which the Assembly had asked for. I would like also to express our appreciation for the opportunity of

submitting evidence to the Commission, and to convey from the Assembly the sense of urgency with which the Assembly regards this Commission. They have expressed the hope that the Commission might report, at least so far as Scotland is concerned, within the next two years, i.e., two years from May 1969.

I would like briefly to say a word about the base from which we speak, and to make three very brief points. Firstly, the Church and Nation Committee is a committee of the General Assembly of the Church of Scotland, and has therefore no authority to go beyond the reports which the Assembly has received,

and the deliverances which the Assembly has passed. This is why our written evidence consisted substantially of extracts from the reports and deliverances. The second point I would like to make is the independent character of the General Assembly. I hope that no member of the Commission will be under the impression that the Assembly is a docile assembly. Quite the contrary is the case: it is a most spirited body, which does not hesitate on occasion to repudiate the judgments of the Committee. Accordingly the deliverances which the Assembly have passed have been its deliverances and not simply those of the Church and Nation Committee. The third point I would make is the widely representative character of the General Assembly. The Church of Scotland has a membership of just under 1½ million adults, out of a total Scottish population of around 5 million, which is a sizeable proportion of the people of Scotland. The General Assembly is widely representative of the Church. It is not a clerical or hierarchical assembly: 50 per cent. of the members are laymen or laywomen, and the Assembly also contains a quarter of the ministers, each of them with an elder from the different parishes of Scotland drawn in rotation, so that it represents the Kirk, from the Borders to the Shetlands and from the Western Isles to Aberdeen and Edinburgh in the east. The point I am making is not that the Assembly is entirely representative of the people of Scotland, nor that it is an assembly of experts in political economy or social theory; nor am I claiming that, because it is the Kirk which is speaking, it claims an infallibility in its judgment. What we do claim is that the General Assembly of the Church of Scotland is widely representative of public opinion in Scotland, more so than any other body in Scotland at the present time, and that it is for that reason that many people are of the opinion that the Assembly of the Kirk is the nearest approach we have had so far to a parliament in Scotland.

With that preamble, may I say that for more than twenty years the Assembly has been expressing dissatisfaction with the present situation in Scotland, and with the control of Scottish affairs by the central Government in London. I employed the reference to more than twenty years to make two points quite clear: firstly, that the statements of the General Assembly have not been an attempt on the part of the Church to jump on the bandwagon of nationalism or to be "with it" in any way—the Assembly

was saying this when it was a subject which received less prominence in the Press and on television than now, and secondly, that this is not a criticism of any particular party, nor of any particular Secretary of State for Scotland, nor of the officials at St. Andrew's House. Quite the contrary: the Assembly has expressed its appreciation of the regional policies of successive governments, and is well aware of the defence of Scottish interests which has been made by successive Secretaries of State before the Cabinet and at Westminster, and of the devoted service which officials at St. Andrew's House have given to the cause of Scotland. Our criticism is not of individuals or of parties, but of the present structure. What the General Assembly has asked for twenty years is for a greater measure of devolution of legislative power. More recently it has asked specifically for an elected assembly in Scotland, and still more recently for Scottish self-government within the framework of the United Kingdom. We hope very much that this Commission, as the result of its deliberations, will be able to hasten such a parliament in Scotland.

368. I suggest we begin with some general questions, and then take your contentions under the six points in which you have very conveniently summarised them.

369. *Dr. Longmuir*: Possibly you have read what was reported in the paper this morning—the complaint that the Church of Scotland was apt to speak too much and that too much stress was laid on its views by governments. The answer given was that the Church of Scotland, as the established Church in Scotland, was concerned with the welfare of the whole nation. I think that would be fair and that this is the reason why the General Assembly has been discussing devolution in Scotland?—Precisely so, because it is concerned with the welfare of the Scottish people.

370. You explained that your evidence is based on relevant extracts from your Committee's reports going back to 1946. How does the Church and Nation Committee persuade the Assembly to endorse the views expressed in these reports? You did not claim to have any great knowledge, but surely there must be some evidence of dissatisfaction or frustration which has been brought to the attention of the Committee?—Yes, the Committee itself is widely drawn from various localities and from various kinds of communities in Scotland. The Committee which covers a very wide range of concerns,



presents reports to the Assembly which then picks out those issues which it wishes to deal with. It has been quite significant over the last year or two how the Assembly has picked out what the Committee has had to say on the question of self-government and has asserted its own mind along these lines.

371. Did the Committee have evidence or examples of what causes this desire for further devolution in Scotland? Why should there be this feeling in Scotland?—I think the Committee, composed as it is of members from different kinds of communities, is aware of the dissatisfaction within Scotland in the various communities, and this is reflected in its reports.

372. The Church has not, as far as I know, asked for more than some further measure of devolution?—It has asked for self-government in Scotland within the framework of the United Kingdom. It has asked for a devolution of legislative power, not simply of administration.

373. Devolution of legislative powers to Scotland does not necessarily include its own fiscal policy and its own Treasury, and so on, or does that also come into the picture?—I think that is implied. The Committee, in asking for an elected assembly, envisaged not simply a talking shop, but a parliament with powers—and power inevitably means some power over finance.—(*Mr. Grant*): In the 1969 report to the General Assembly it states:

“The remit of the Royal Commission proposed by the General Assembly would have required it to produce a scheme (or alternative schemes) of self-government to enable the people of Scotland to indicate their choice. This would not be devolution in the strict sense of the word—the handing over of limited powers by a superior authority which, in law, would be able to revoke them if it chose. The chosen form of self-government, whatever it might be, would evidently draw its force from a decision of the Scottish people.”

374. So you would envisage our own taxation system in Scotland, and so on?—(*Mr. Balls*): I think this would be desirable, but on whether it is practically possible or not, I would not like to venture a judgment.

375. We have not yet got all the figures, but there is an argument that if Scotland were entirely independent this would affect the standard of living in Scotland, which at the moment benefits from the additional money necessarily supplied by the United Kingdom Government to maintain present

standards in Scotland. If there would be the problem of a lower standard of living or increased taxation to make up the deficiency, do you think the Church of Scotland's care for the welfare of the people of Scotland would make it change its mind or think again?—I think there are assumptions there, with respect, which are invalid. In the first place what you postulate has not yet been demonstrated. We hope that the Commission will be able to go into these economic affairs and produce, as a basis for considered judgment, the facts for which the Church has been asking for a number of years but which are not so far available. Secondly, the General Assembly has not asked for independence but for self-government within the framework of the United Kingdom. Within that kind of framework one would presume that there would be financial relationships between the United Kingdom and Scotland. This is not a severance of all fiscal and economic ties by any means, and that is not what we have asked for.

376. The point I was trying to make in earlier questions was whether you were going to have your own Treasury, your own taxation and so on, and you said “yes”.—No, we did not say that. We said in the last paragraph of our evidence that we did not feel it lay within the competence of the Church of Scotland to prescribe precise models which that government should take. It should be an assembly with powers, which will require to include some powers over finance, however that finance may be raised. But we have not suggested that a Scottish government would have entire power over its own finance.—(*Mr. Grant*): In, for example, a federal system within the framework of the United Kingdom, obviously the Government would have financial power—as happens in the German Länder, the Swiss cantons, and the fifty states of the United States of America. If they can arrange their own taxation, obviously Scotland could do so. It is not for the Church to decide exactly how this should happen; we just point to the fact that it does happen elsewhere.

377. *Professor Robertson*: Mr. Balls, you did not in fact answer Dr. Longmuir's question, which was: if the standard of living were likely to fall as a result of change in governmental arrangements, would the Church of Scotland still recommend that change?—(*Mr. Balls*): In the first place, I cannot speak for the Church of Scotland, I do not know what the General Assembly might decide.

378. Has this point been considered by the General Assembly?—Not by the General Assembly as such. There has been some discussion of it in the Committee. I think it has to be recognised that, economic statistics apart, it is difficult to forecast what might be the economic situation in a country which had been given some measure of self-government. There are spiritual and other factors which enter into the picture, which are not easy to calculate. I think it is fair to say on the other hand, in answer to your question, that if it should be substantiated that the kind of self-government which we are urging would result in a drastic lowering of the standard of living in Scotland, then this is something at which obviously the Church would want to look, but we are very far from having reached that point yet.

379. Could you define "drastic"?—Do you mean in terms of percentage?

380. As you used it.—No, I would not care to define it any further than that. If statistics are produced and evidence is submitted that a fall in the standard of living would result, obviously this is something which one would want to look at and consider.

381. You did say earlier that the facts necessary for economic analysis—I think you inferred, of the current economic position of Scotland—were not available. Could you specify?—(Mr. Reid): Could I perhaps read two paragraphs from the report which deal with these points, from the General Assembly report for 1969 (page 180):

"It is indeed very desirable that the economic relations between Scotland and other parts of the United Kingdom should be clearly known and understood. The General Assembly and this Committee have repeatedly asked for reliable figures, more particularly of Government revenue drawn from Scotland and Scottish production—though often paid elsewhere . . ."

382. May I stop you there? "... of Government revenue drawn from Scotland"—what figures are you looking for?—Figures "of Government revenue drawn from Scotland and Scottish production—though often paid elsewhere".

383. You specified in your evidence that you were not satisfied with the Catto information\*; in what respects were you not satisfied?—the Catto figures did not

make it quite clear how much of Government expenditure took place within Scotland.

384. You were talking about revenue, not expenditure?—Yes, you stopped me just as I was coming to expenditure:

"... and of Government expenditure within Scotland, not merely 'for Scotland' according to the rather arbitrary criteria approved by the Catto Report."

385. May I distinguish between three things: Government revenue raised in Scotland, Government expenditure on Scotland (or some definition of that kind), and Government expenditure in Scotland. Which of these are you saying is not presently available, and what improvements do you want in the flow of information?—I do not know that any of them are available at the moment.

386. With respect, there are available Catto, and subsequent figures on revenue. —(Mr. Grant): We only had the figures on Catto, and none have been given ever since. The only other thing which the Government has produced has been revenue collected in Scotland, which is different from revenue raised in Scotland. We pay no petrol tax in Scotland, according to the Treasury. It is regarded as being collected in England.

387. I am just trying to identify what we are looking for. Production is a separate subject.—(Mr. Reid): We are referring to revenue drawn from Scotland on Scottish production.

388. You are not talking about information on Scottish production?—No. This is confined to remarks on figures of revenue and expenditure which are not available, and which, as the Glasgow Chamber of Commerce has discovered, are still unavailable. But perhaps you would allow me to go on to the next two paragraphs:

"No figures for the past and present, however, and no economic calculation based on such material can be wholly reliable guides to the future—as the fate of official forecasts has proved repeatedly in our day. Though there can be little reason to assume that the Scots are less capable of maintaining a reasonable level of prosperity than other West European peoples only the experience of self-government can prove whether living standards would rise or fall, particularly while a new regime was establishing itself.

\*Report of the Committee on Scottish Financial and Trade Statistics (Chairman: Lord Catto) Cmd. 8609 H.M. Stationery Office 1952.

The value of self-government must be psychological and cultural—even spiritual—no less than economic. The case for national autonomy loses its validity if it is not backed by a belief that fully responsible citizenship and the opportunity to deal with Scotland's problems within the country, where they are best understood, are things permanently worth having, in difficult times as in better ones."

I think perhaps these meet the points which were being brought out.

389. May I come back to the point I was raising, the latter part of that being a much wider issue. Why do you pick on figures of Government revenue and expenditure as the key ones in determining the present and possible future viability of the Scottish economy?—Perhaps because to a non-specialist, to a non-economist, what goes out and what comes back are simple questions which one feels it ought to be easy to answer. There are very few people in the General Assembly and the Church at large to whom calculations of gross domestic product and things of that sort would mean very much.

390. Within the revenue figures, presumably some large part of the revenue would be income tax. We know, do we not, that income levels in Scotland are lower?—We do not know, we are told that this is so, but we do not know what the bases of taxation are. It may be, in fact it appears to be the case, very surprisingly, that Scots people, in spite of having on the whole lower incomes, have bigger savings, and one does not know how this comes out on the tax side, presumably if you have bigger savings you pay more tax.

391. With respect, this is a partial figure of savings. You say we do not know about incomes, but this is published regularly by the Inland Revenue.—(Mr. Grant): But all investment income in British companies is regarded as being collected in England and not in Scotland, and all surtax as collected in England and not in Scotland.

392. *Professor Newark*: Since the Committee has asked for a measure of devolution, but has not so far indicated with any precision what is wanted, may I enquire whether they have taken a look at the measure of devolution which has been granted to Northern Ireland, where there is a separate parliament?—(Mr. Balls): Yes, the Committee has looked at this, but it was not felt that it was within the

province of the Church to suggest what the model might be for Scotland.—(Mr. Reid): In 1962 we noted that there were "within the framework of the United Kingdom" three or four parliamentary regimes: in Northern Ireland, the Isle of Man and the two parts of the Channel Islands.

393. *Chairman*: The Channel Islands are not part of the United Kingdom, nor is the Isle of Man.—No, they are not part of the United Kingdom, but I wondered whether one could not say that they were "within the framework of the United Kingdom"?

394. I think that would be bitterly resisted in the Channel Islands.—Then let us say they are in the British Isles.

395. That is a geographical position.—For parliamentary purposes.

396. No, this is the whole point. The Channel Islands do not send representatives to Westminster.—No, they do not, but they are self-governing, they have parliaments or something like that of their own. We said that Scotland would naturally look at these, but it would be unlikely to borrow a constitution from any of these, since Scotland is a nation and the others are not.

397. *Mr. Talfan Davies*: Is the view of the Church of Scotland that it is prepared to take a calculated risk, in as much as there may be on balance perhaps a profit at the moment from the union with England, but that nevertheless self-respect and the psychological and cultural and spiritual forces which underlie self-government are important to the Assembly?—(Mr. Balls): I think it is true to say that we believe the psychological and spiritual implications of self-government are important, but we are not accepting your implication that self-government must necessarily be a risk. It seems to me that in many of the different types of federations throughout the world, where there has been a devolution of authority, the economic responsibility of the whole has remained constant. We cannot see why there cannot be devolution of legislative power, an elective assembly, and at the same time, if proved necessary, that Scotland might continue to receive some economic benefits from the stronger partner.

398. Are you not just slightly begging the question? If it is established, when the figures are made available, that in fact Scotland enjoys benefits in financial terms at the moment, are you prepared to continue as you are, enjoying that charity,

rather than plough your own furrow?—Why should this be enjoying charity? Is it not a principle of any federation that the strong assists the weak?

399. Is that not getting the best of both worlds?—I hope indeed to get the best of both worlds; precisely.—(*Mr. Grant*): Before the first world war and up to 1920 England was in that position. Scotland was a wealthier country than England. The unemployment rate in Scotland in 1912 was 1·8 per cent., and in London 8·5 per cent.; and Scotland raised more revenue than England, on a proportionate basis.

400. *Chairman*: If it is a principle of any federation that the strong members should assist the weak, does it not follow that the views of the strong should have at least as equal weight as those of the weak in deciding what is to happen to that union?—(*Mr. Balls*): Precisely; we recognise that this is a union.

401. And that anything which is done with it must be by agreement of all the peoples in the union?—Precisely.

402. You emphasised several times that this current of thought within the Church of Scotland went back for 20 years. The Union has lasted for 262 years. Would it be a fair inference from what you have said that the feelings which you have been representing did not exist in the first 240 years of the Union?—I do not think that would be a fair inference. It is simply that my knowledge of the General Assembly does not extend so far back as that.

403. But this surely must be a matter of record. Were there deliverances on this subject in General Assemblies earlier than 20 years ago?—This I would not be prepared to say without some research, but what also needs to be said is that within this century the government has exercised a much greater influence on the lives of the community than governments have done in the past.

404. I was not at the moment concerned with the reasons, I was trying to establish the fact, if "fact" is the right word when we are talking about movements of feeling. Putting it more positively, it is my impression, as a fairly assiduous reader of Scottish history, that there was little discontent with the Union until about 20 years ago?—(*Mr. Grant*): As you know, about 1712 every section of the Scottish community wished to dissolve the Union, and a Bill to do that failed to get through the House of Lords by four

votes. The Union was a subject of complaint until about 1740, then it was gradually accepted. A movement began around 1850 for Scottish self-government, and it has continued on and off ever since.

405. I have no doubt that in almost any year one could find some inhabitant of Scotland who was sounding off on the subject. My questioning was directed to the general feeling which you say has existed over the last 20 years, and to whether there is any evidence that there was any such general feeling in earlier periods?—(*Mr. Balls*): I am afraid I cannot answer that question.—(*Mr. Grant*): There are the Bills introduced into the House of Commons in the 1890s and 1900s; there was the Second Reading of a Home Rule Bill for Scotland in 1913; there was the Speaker's Conference in 1920.

406. That would extend the period of 20 years to about 40, but not to 240.

407. *Dr. Longmuir*: I think Gladstone would have been glad to see Scotland and Ireland given independence, in order to remove the Scots and the Irish from the Westminster Parliament. Was there not a considerable movement in the 19th century for independence for Scotland in order to relieve the burden on the Westminster Parliament?—Yes.

408. *Chairman*: I am asking about a general feeling among the population of Scotland and members of the Church of Scotland.—I think you have to remember that in 1832 the total number of voters in Scotland was 2,300. After the Reform Bill there was a movement for Scottish self-government; attempts were again made in 1850, with pamphlets being published and so on; then gradually the movement came into the House of Commons, with the backing of Gladstone and the Liberal Party—this was continued up until about 1912 or 1913. As far as the Church of Scotland was concerned, the great establishment controversy in the late 19th century took up a great deal of the Church's time and energy. That issue was followed by the question of union with the United Free Church, which lasted until about 1929. Then came the depression, and nothing was really done until the movement started in the Church itself after the war.

409. Thank you, I think you have answered my question. You have repeatedly said that your proposals are for more self-government or legislative freedom for Scotland "within the framework of the United Kingdom". Before

we go any further, it would be as well to establish more definitely what those words mean. I am going to put to you one or two things which naturally occur to one as the meaning, and see whether you will agree with them. If Scotland is to continue to exist within the United Kingdom, that would mean—let us start right at the top—that there would be no change in the position of the Crown—we are not advocating a republic?—*(Mr. Balls)*: Not at all.

410. I take it that there would be one currency?—Yes.

411. There would be no Customs barrier at the Borders?—That is right.

412. There would be free movement of persons, no passports?—Correct.

413. Free movement of capital?—Yes.

414. In other words, the United Kingdom would remain basically as an economic and a political unit?—Yes.

415. And all your proposals are to be regarded as being not contravening any of those criteria of the United Kingdom?—Yes. I would like to say that the Assembly has insisted quite specifically upon this clause going in, that this is definitely the mind of the Church.

416. May I go on from that to suggest that you have not adequately realised the dilemma which this puts you into under some of your heads. For example, if I may jump ahead to point (5) in your evidence—"Scotland's response to the idea of closer European unity should be distinctive"—how could the response be distinctive?—I am not arguing for Scotland making an independent choice about joining the E.E.C. But I think it is arguable that if the United Kingdom goes into the Common Market, Scotland's interests are going to have more chance of being protected if she can persuade the United Kingdom to support them. At the same time I think it would be unfortunate if Scotland's only voice were through the United Kingdom, if Scotland had no direct contact with the other constituent parts of the Common Market. Those of us who have had the opportunity of attending international conferences are aware of the stimulation which comes from direct personal contact.

417. These are matters which would arise after the United Kingdom had joined the Common Market, and not before.—And during the process, surely, while negotiations were continuing.

418. This is the dilemma which I think you have not faced, because it is inherent in the Treaty of Rome that any country which adheres to it does so without conditions and for the whole of its territory.—*(Mr. Grant)*: Could not this be overcome in the way in which it was overcome in the dual monarchy of Austria/Hungary?

419. The dual monarchy was never in membership of the Common Market.—But may I explain how it operated? There was a Foreign Secretary, but in making treaties he had to act for, and obtain the consent of, both parts of the monarchy. On that basis there would be a distinctive Scottish voice.

420. But the Treaty of Rome does not provide for such arrangements. It says that an acceding government accedes for the whole of its territory.—*(Mr. Balls)*: I think there is a tension here which we accept, but I do not think the tension is quite as strong as you appear to be saying. Surely, if the United Kingdom is negotiating entrance into the Common Market, Scottish interests will be consulted through the Secretary of State as the constitution stands at the moment.

421. Precisely, and what further is necessary?—I think the position of the Secretary of State would be greatly enhanced if he had a democratic assembly behind him.

422. On this particular matter?—And on other matters, too.

423. Suppose, as I think is clearly implied in this, that the interests of Scotland in relation to the European Economic Community were in fact divergent from those of England?—Then all the more reason that there should be a Scottish voice which could obtain the best possible compromise.

424. Yes, but suppose England wanted to say "yes", and Scotland wanted to say "no", how would the matter be decided, because a clear answer—"yes" or "no"—has to be given?—*(Mr. Reid)*: Surely most problems of this sort are solved by a compromise somewhere.

425. But what I am suggesting to you is that in this particular case they cannot be. This is one of the difficulties about the European Economic Community, the answer has to be "yes" or "no", it cannot be "perhaps".—*(Mr. Johnston)*: Could I put this point in a slightly different way, because obviously there is a tension here which would have to be resolved by some kind of compromise. What is implied throughout our paper is that the



further away the centre of power or decision-making goes, the less involved people feel in the participation of decision-making. If the centre of decision moves from Whitehall to Brussels then it moves that bit further away. If, however, there were some method of discussion and participation, even a decision unwelcome in Scotland would still be a decision in which Scottish people felt that they had had a voice.

426. What I am suggesting to you is that in fact they would have less voice. Let me take it by an analogy. If the United Kingdom joins the E.E.C., it is generally held in Dublin that Ireland will be compelled to join too, but Ireland's voice will not be heard in the decision; whereas, if it is the United Kingdom which is deciding, under the present system there is a Secretary of State for Scotland whose voice is heard. If the Secretary of State were replaced by an assembly in Scotland, would that not weaken Scotland's voice in this decision?—Surely there is bound to be someone taking the place of the Secretary of State in the development of any Scottish government, and I should have thought that the weight of the spokesman of an elected parliament would be perhaps heavier than the Secretary of State's at the present time. It very largely depends on the individual Secretary of State what weight he carries, whereas with the change we propose there would be the weight of an assembly.

427. But if you bring these matters out and make them overt, are the English not going to say: "But this is 10 per cent. of the population of the country. This is the tail trying to wag the dog"? You have accepted that Scotland should remain part of the United Kingdom. What I am suggesting to you is that that acceptance carries with it, as you do not in your evidence seem to realise, that there are many things where the decision must be made by the majority of the United Kingdom, that you cannot be within the United Kingdom for some things and outside it for others.—(Mr. Grant): But the United Kingdom is really a partnership of two nations, two countries—England and Scotland.

428. It was a union 250 years ago of two kingdoms.—Two kingdoms, therefore the interests of both kingdoms ought to be kept in mind.

429. I do not think that necessarily follows, does it, because it was a union, not a federation?—(Mr. Reid): It was a union in which the names of Scotland and

England were to disappear and Great Britain was to be the one name of the country. The previous kingdoms were referred to as that part of the United Kingdom hitherto known as Scotland and that part of the United Kingdom hitherto known as England. But it is obvious that the name of England did not disappear, and has shown no sign of disappearing, and the name of Scotland has not disappeared either in politics or in daily life. This idea that you get rid of a nation by passing an Act or Acts of Parliament is fundamentally wrong.

430. I am still trying to get you to face a dilemma which you will not face. If you wish to remain in the United Kingdom, do you accept that many matters will have to be decided by the majority of the United Kingdom?—(Mr. Balls): Obviously this is quite clear.

431. Even if they are not to Scotland's taste?—Even if they are not to Scotland's taste. But obviously in the kind of set-up that we are envisaging the Scottish voice would be heard more loudly in defence of its own interests.

432. That is a matter on which reasonable doubt may exist.—(Mr. Grant): I think it depends on the recommendations of the Commission. If you recommend separate parliaments for Scotland and for England, and so on, and also for such subjects as the Common Market, foreign affairs, and crown succession, an imperial parliament in which the voices of Scotland and Wales and Northern Ireland can equal that of England, then the tension would disappear.

433. That means 15 per cent. equalling 85 per cent.—Three countries against one.

434. It is 15 per cent. against 85 per cent.—It depends how you look on it.

435. *Chairman*: You are slipping back. Now you are still saying that you want to have the best of both worlds, that you want to be in when it helps you and out when it does not.

436. *Lord Kilbrandon*: I think you went too far in your assertion, Mr. Balls. I think it arises from a misapprehension of the meaning of Scottish affairs. I do not think you proved in point (1) of the written evidence that Scottish affairs are something very much wider than those applying to Scotland, although in the third sentence of that paragraph you approach and appreciate the point. I suggest that a great deal of the legislation passed at Westminster relating to and affecting



Scotland never, from the nature of things, gets anywhere near the Scottish Grand Committee. In that case are you right in saying that you would accept the situation that Scotland would have to accept matters which were decided on a United Kingdom basis because Scotland was in the minority? I am not sure you should make that admission from the point of view of your own paper.—(Mr. Balls): I would think, in the case of foreign affairs or defence, that these are issues which would be decided by a United Kingdom Government.

437. Let me take an example. In written evidence received we have noted several complaints about the selective employment tax which, whatever its merits as a United Kingdom tax, is said to bear very hardly on Scotland. Consideration of that tax did not come before the Scottish Grand Committee. Surely it follows that unless there is control of one's own financial affairs there is no independence at all. When you say "within the framework of the United Kingdom," if you are going to accept the United Kingdom fiscal framework, would you have any independence?—This was the point I tried to make earlier, that any self-government has got to have some control over its own finance.

438. *Chairman*: Perhaps entire control?—We are not prepared to go as far as to say entire control, we would want to look at this further.—(Mr. Reid): It is a matter that neither the General Assembly nor the Committee have discussed at all.—(Mr. Grant): It would be covered by the words "effective self-government," which, I would have thought, meant a large control over finance, though being "within the framework of the United Kingdom" there would naturally be a Scottish contribution for foreign affairs and for defence.

439. Even if Scotland disagreed with the United Kingdom defence policy?—(Mr. Balls): Ultimately that is the implication one would have to accept.

440. Let me summarise the dilemma. If you want to have the things you say you want it may be that you cannot remain within the United Kingdom in any effective sense of the word. On the other hand, if you want to remain in the United Kingdom you may not be able to have all that you want. Which way would you jump?—May I say that the Commission is on the horns of a similar dilemma, and I think it would be very unfortunate if this is what the Commission said—either the status quo or complete independence and nothing in between.

441. But your evidence, having first stated you want to stay in the United Kingdom, then goes on to ask for all sorts of things which would be very difficult to accommodate.—Very difficult but not, we hope, beyond the wit of human ingenuity.—(Mr. Grant): The constitution of Federal Germany, worked out largely by other Europeans after the war, decided that the Federal Government was to be responsible for foreign affairs, questions of nationality, defence, currency and minting, the postal and telegraphic communications, passports, customs and commerce, and the Länder for everything else. I do not think it is beyond the wit of a Commission of this calibre to be able to produce a satisfactory solution.

442. *Mr. Craig Macdonald*: If your recommendations were accepted would you expect to be able to do better your fundamental work of maintaining and spreading the Christian faith, and if so why?—(Mr. Balls): I do not know that I am prepared to accept your premise that this is the fundamental task of the Church, to spread the faith. I think the fundamental task is to witness to the Gospel and I think the Church should be able to witness faithfully to that Gospel in whatever situation it finds itself.

443. If these recommendations were accepted, would you expect your situation to be better as regards witnessing the Gospel?—I do not think this is an element which has entered into our calculations at all. We have put forward these suggestions not in the interests of the Kirk but in the interests of the Scottish people.

444. I do not think that I have had an answer.

445. *Professor Robertson*: I would like to pursue your reference to "the interests of the Scottish people". It is obvious that the General Assembly gives an opportunity for a wide expression of view, but how wide? For example, the debates of the Church & Nation Committee result in a report to the General Assembly, but does the General Assembly in turn consult the Church members; have they discussed this matter?—No, it has not been discussed by the members of the Church, but it should be remembered that the constituent members of the General Assembly are one-quarter of the clergy in rotation each year and a corresponding number of laymen.

446. So it is 50 per cent. lay?—Yes.

447. By the same token 50 per cent. of each assembly consists of representatives of a particular professional group within

our society?—This is certainly true, but remember that it is constituted of members of that group from every kind of situation in Scotland.

448. *Dr. Longmuir*: Could one not say that each General Assembly is a different General Assembly; it is not the same General Assembly continuing year after year—the membership changes so that one year you have one elder giving his view and the next year another elder giving his view. It has been continuing all those years with different people.

449. *Professor Robertson*: But what, for example, is the social class structure of the elders?—I should think the social class structure would contain representatives of every class.

450. What proportion of the membership is working class?—We have not got statistics of that, but I have worked in two industrial parishes, Grangemouth and Motherwell, where the congregation was substantially working class.—(*Mr. Grant*): My congregation in the Highlands is practically all working class. Examining the parishes in the Church year book will lead to the conclusion that the communicant membership of the Church is broadly spread between working class, middle class and upper class.

451. Are the members selected because of their interest in the Scottish constitutional position?—They are selected by the congregation, but elected by the Kirk Session.

452. But they are selected for their effectiveness to administer to the people in substantially religious matters?—They are selected by the Kirk Session, who selects someone it thinks is a fit and proper person. It is fair to say they are not specifically elected because of any expertise along the lines we have been discussing, but it is extraordinary the professional expertise which each assembly throws up.

453. Yes, but part of your dilemma in speaking in detail is simply that you have not consulted your membership in detail?—Not in detail.

454. Have you thought of doing so?—No, because we believe the Assembly is a sufficient sounding-board. As *Dr. Longmuir* said, each successive Assembly is made up of different personnel, and the fact that Assembly after Assembly comes to the same conclusion is a pretty strong indication.

455. It is all male?—There are women, too.

456. But not very many?—Not very many. But on the general question of consideration, after these reports have been received by the General Assembly, it instructs the presbyteries to discuss them.—(*Mr. Johnston*): Reverting to Professor Robertson's point about 50 per cent. of each assembly being drawn from a particular professional group, it is true that ministers are there because they are ministers and elders because they have specific business within the Church, but nevertheless these people live in a local situation; and anyone who knows the ministry knows it consists of rugged individualists, who do not attend assemblies as a professional group to further their profession, but come fresh from contact with their members and their parishes, which comprise many people who are not members but in whom ministers take interest personally.

457. *Mrs. Trenaman*: Witnesses from the Scottish Office conveyed their impression that the present system of government and its effects on Scotland were rather imperfectly understood among the generality of Scottish people. They mentioned in particular the lack of public interest in the affairs of the Select Committee on Scottish Affairs, which has been meeting for some time. More generally they were unable to explain why it was that the benefits that, in their view, accrued to Scotland from the present system of government seemed not to be widely known. Do you consider that those whom you represent—and I am prepared to assume that you do represent a wide section of opinion—are really well informed in these fields? A particular example arises in your evidence about the effect of centralisation of legislative processes at Westminster. You state that "It is difficult for the United Kingdom Parliament to find time to deal with distinctively Scottish problems on their merits." We were told yesterday by the Permanent Under-Secretary of State for Scotland that in his experience the Scottish Office was not more pressed in the matter of parliamentary time than any other Government Department and the implication was that on the whole the Scottish Departments were less troubled by this shortage because of the mechanism of the Scottish Grand Committee than the Departments generally. Would you like to comment on that?—(*Mr. Grant*): In 1949 the Mackintosh Committee on Intestate Succession in Scotland recommended a change in the law which happened in England in the 1920s. This was a technical subject agreed by lawyers

and on a basis agreed by Members of Parliament. It took 15 years for legislation to get through Parliament. Efforts were frequently made to get the Secretary of State to produce a Bill, and he kept repeating he regretted there was not time.

458. Is this regarded as conclusive evidence? I could give numerous examples where Bills have lain on shelves for 20 years or more. It is simply a question of individual Ministers deciding their own priorities. There is no suggestion, is there, that this particular legislation was deferred because it was Scottish?—No, it was lack of time. In the last session 88 Bills were passed by the House of Commons and 2,000 statutory instruments. Given a different system of law and education in Scotland, it is obviously more difficult to find time to deal with Scottish affairs.

459. I think this may fairly be brought as an argument generally about the overloading of Parliament at Westminster. Is it contended that the result of this is to the particular disadvantage of Scotland?—(Mr. Reid): Surely if it is to the disadvantage of Scotland and also to that of England, that is no reason why Scotland should not be equipped to get round the difficulty and get her own business dealt with within her own country. There is no reason why Scotland should not be able to do this simply because England has not got the same sort of advantage—that would seem to be a rather dog in the manger attitude.

460. *Chairman*: But there is an implied assumption that, if there were a Scottish parliament, it would have lots of time. Is this true, because a great deal of business now handled at Westminster on a Great Britain basis would have to go through the Scottish parliament. Is it not likely that there would be just as little time for altering the law of intestate succession by a Scottish parliament as there is by the United Kingdom Parliament?—(Mr. Balls): Is it not logical to assume that a Scottish parliament concerned only with Scottish affairs would have a lesser weight of business to handle than the United Kingdom Parliament?

461. *Lord Kilbrandon*: I think you might say it does not follow that if we had a Scottish parliament it would adopt the archaic procedures of the Westminster Parliament.—(Mr. Grant): Sir Lionel Curtis once said that there was no shadow of doubt that the Northern Ireland Parliament, even with its limited devolution, could do things for that province which

would never have been possible within Westminster conditions.

462. *Chairman*: I would be very glad to find somebody who has the courage to say that today.—Sir Lionel Curtis is dead, but I read the statement in the *Economist*.

463. That must make it true! Would you agree that the effect of the present system is that Scotland gets much more attention than any other group of 5 million people in the United Kingdom?—(Mr. Balls): Yes, I think that is possibly true.

464. And therefore if there is to continue to be a United Kingdom—which you tell us there is—is it really a valid part of your argument to complain that some things get left behind in the Press?—I think it is a valid part of our argument that Scotland is a nation, a community of people by itself which wishes to retain some identity of culture and national existence; this is surely reasonable.—(Mr. Grant): While the question of Scotland's getting more attention did not come before the General Assembly, I think it is interesting that when the White Paper was published it showed that practically no attention was given to the vastly increased unemployment rates and emigration from Scotland between the wars.—(Mr. Reid): Is there any indication that Scotland gets more attention than any other part of the United Kingdom? I should have thought the people in London got infinitely more attention from Parliament.

465. I think that would be very difficult to establish when we are talking about legislative processes. There are very few pieces of legislation that are specifically directed to London.—I could not really tell, but I should have thought that, if one considered the question from the point of view of economic bills and similar measures the weight to London was overwhelmingly great.

466. If you are asserting that London is very self-centred, then as a provincial I would entirely agree with you, but that is not the same thing as criticising the legislative processes. On the question of emigration, I am always a little puzzled—a similar situation arose when we were in Wales recently—when the rate of emigration is taken as a grievance. Surely it is one of the greatest glories of the Scottish nation that it has spread across the face of the earth? Should this process be stopped? Is it not to the great advantage of the Church of Scotland that the doctrines of Presbyterianism should spread right across

the world?—(Mr. Grant): Certainly the Registrar-General has said that no country in Europe has lost such a large proportion of its people to emigration as has Scotland.

467. He did not say that was a bad thing?—The 1957 report to the General Assembly quoted the Registrar-General as saying:

“In each of the decennial periods up to 1931 Scotland’s rate of loss is much greater than that of England and Wales, but her loss reached a climax in the ten years 1921 to 1931, when it was sixteen times that south of the Borders. It is a significant fact that while England and Wales gained by migration nearly three-quarters of a million between the census of 1931 and 1951 Scotland lost 220,000 in the same period. If the drift away from Scotland continues in the second half of the twentieth century at the same rate as was experienced in the last 50 years—and there is so far no evidence that it will not—Scotland will be a country of aged and infirm inhabitants, unsupported by an adequate industrial system which requires youth and vigour for its operation.”

Is that in fact what has happened?—Yes.—(Mr. Balls): May I say that this is something that presses on all of us as parish ministers. We find that young married couples—and those who emigrate are largely young people—leave our parishes not because they are dissatisfied with conditions in Scotland but because the job opportunities are often not there and they are obliged to go south to find them. Even more important perhaps, is the number of young graduates who, when they finish their academic training at the universities in Scotland, feel obliged to travel south of the Border because that is where the seat of power resides and where the opportunities lie in the future. While we welcome the contribution that emigration from Scotland has made to the life of England, and indeed of the world, and while we recognise that emigration from Scotland is counterbalanced in some measure by immigration from England which is welcomed in Scotland (there is nothing anti-English about anything that the Committee has been saying today), it is nevertheless serious for the future of Scotland if so many of our young people and, still worse, so many of our graduates feel obliged to leave Scotland.

468. Has this not always been the character of Scottish emigration? Only in comparatively recent years have there been statistics, but one must suppose that those

who left Scotland have always been the young and a very high proportion of graduates. Looking over the last two centuries, has this been a bad thing?—Up to about 1914 the emigration rate in Scotland was about 8,000 a year; last year it was 33,000. I quote from the 1967 report to the General Assembly:

“During the ten years 1955 to 1965 about 30,000 people left Scotland annually: this is more than 80 per cent. of the natural population increase. Since 1961 the outflow has been particularly marked, reaching 45,000 in 1965 . . . Although the estimated population of Scotland in 1965 was 90,000 more than in 1951 the number of adults aged 20 years or over fell by 50,000. Many of the emigrants would have been the mothers of a future Scottish generation. The Registrar-General for Scotland has stated that a loss of 1,000 emigrants in a year must cost the country 400 births in the following 15 years.”

469. Lord Kilbrandon: Assuming this to be true and a bad thing, we have to be satisfied that it is a function in some way of the lack of self-government. A year ago I read in the *Irish Times* a letter which said that the unemployment rate in Eire was the highest in Europe and the migration rate was the highest in the world. We have to connect your statistics with this absence of self-government.—On the other hand, three years ago I married a couple in my own parish, the boy from Newport and the girl from Dingwall. They are both working in England, living in a Scottish “colony” of about 1,000, of whom 80 per cent. said they would return to Scotland tomorrow if there were jobs for them, and 60 per cent. that they would return even if there were no jobs provided Scotland had its own parliament. The young people who emigrate do so because of lack of jobs and if they felt there were jobs they would come back for them. I do not think any nation could go on losing its population as Scotland has; the Registrar-General said that the population would fall until 1981.

470. We have to be satisfied that if we had our own government we would have more jobs.

471. Professor Robertson: I share the concern about net migration, but I think we ought to distinguish between gross migration and the net loss. The gross outward movement of Scots is a permanent and very stable feature which does not preclude a sufficient inward movement of non-Scots or returning Scots to keep the

balance of migration. There are signs that the rate of loss of graduates is falling. In point (4) of your evidence you state: "The Assembly stressed 'the pressing need for effective planning which could afford young Scots a real prospect of satisfying lives in their own country'." What specific criticisms would you level at the planning efforts which have been put forward by the Scottish Office, and backed by the United Kingdom regional policy in the last few years? Secondly, within the confines of free movement of capital, free movement of labour and common currency, what other measures would you see a Scottish assembly able to introduce which would be more effective?—(Mr. Balls): I think that the point I was trying to make earlier is valid. If we had a centre of power in Scotland, it would help to some extent to stem the drift of power towards the south. There would be other industrial centres of power situated in Scotland and there would be less incentive for young people, and particularly young graduates, to move out of Scotland. It is because decisions are taken elsewhere that the young people move out.

472. We had some evidence yesterday about decisions taken elsewhere. It was said that there had been a rundown in the established industries in Scotland—a feature with which we are all familiar, to our regret—and some degree of compensating build-up, largely as a result of decisions of immigrant firms to move in, and that this was largely as a result of the United Kingdom Parliament enforcing industrial development certificate control in those locations. We would have to replace this, would we not, if we were to achieve more effective planning?—Why replace it? Why would it not be within the interests of the United Kingdom as well as Scotland that industry should be more evenly spread?

473. *Chairman*: Perhaps the other parts of the United Kingdom would not see it that way?—(Mr. Reid): Ulster has surely given greater incentives to incoming industry than any part of the United Kingdom.

474. Do you not think that the increase in employment in Ulster is at least as much due to the decisions taken in London to push firms into Northern Ireland as to the inducements offered in Ulster? It was established yesterday that when a new centre of employment is created it is a result of two things: the "pull" of Scottish inducement and the "push" of English refusals. A Scottish government could concern itself only with the former,

and the latter may be the more powerful. —But why should the United Kingdom Government not continue to give the push to part of its constituency?

475. Mr. Grant suggested that in the new scheme there might be an English parliament, and it might refuse to do so.

476. (Mr. Grant): But there would be a United Kingdom parliament above the English parliament. The Scottish parliament would offer sufficient inducements. In an interesting article R. G. Tress, Master of Birkbeck College, University of London, referring to the industrial development certificates, stated that far fewer were given to Scotland than to south-east England. He added that communications were extremely important and conjectured to what extent the completion of the M.1 between London and Birmingham had negated all the efforts of the Government to locate industry elsewhere, because industry would go where the communications were good.

477. This illustrates the fact that the ability of a government to influence the location of employment is very limited, and that it may be that all any government can do is to lean against the wind. Might it not be that an independent Scottish government would find itself even more powerless than the United Kingdom government has proved to be to influence the growth of employment in Scotland? —(Mr. Balls): But is there any necessity at all that that should be?

478. But is it not probable?—(Mr. Grant): An article in the *Daily Telegraph*, which is not pro-Scottish self-government, once suggested that the 25 million expatriot Scots spread throughout the world have a great sentimental love of Scotland and, as a very wealthy community, may be willing to pour a great deal of capital into Scotland.

479. We have evidence from those who deal with these matters that this is not so, that it is not sentimental considerations that lead to the erection of factories in Scotland. It is hard practical matters, of which the most important is the refusal of an industrial development certificate in England.

480. Mr. Donnet: Referring back to emigration figures, have you noted a recent statement by the Secretary of State to the effect that the Registrar-General's figures as projected in the White Paper had been accurate but that the improvement in the job and housing situation had the consequential effect of reducing emigration, which was now down to 11,000 per



annum?—Last year the figures fell to 33,000 from 47,000 the year before; one of the reasons was that no emigration was allowed to Canada. The figures which the Secretary of State has now released were for emigration to England. He said that for emigration outside England we would have to wait until November; so we have not got the full figures to June, 1969.

481. He did make the statement that the figures as projected by the White Paper appeared to be lining up on target.—(Mr. Reid): They appear to be lining up, but this has not yet happened and one does not know whether it will happen or not. According to the forecast in the Scottish national plan, the emigration figure was to be reduced by 1970 to half its 1964 level. This has certainly not happened so far. It may be that when complete figures are available that will appear to be happening, but it has not happened yet.—(Mr. Balls): We have been warned not to place too much reliance on one set of figures.

482. *Chairman*: The point is whether the existence of a Scottish parliament could make the position any different.

483. *Mr. Miller*: You referred to the psychological advantages of self-government. Would not one of the principal psychological advantages of self-government be that at least we would have to start blaming ourselves for our own shortcomings?—(Mr. Grant): Precisely. It is stated in the 1961 report:

“Scottish needs are apt to be met only after painfully organised campaigns of complaint and pressures. Ginning may sometimes be effective, but the frame of mind which constantly repeated complaints produce is not a spiritually healthy one, necessary though this ginning may have proved to be. It is bad for a people to feel that they cannot take responsibility for meeting their own needs, or even for failing to meet them—that their characteristic attitude must be that of angry and insistent beggars”—“sorning”, in other words.

484. Might we have to admit publicly that we are subsidised?—We have been asking for figures for a long time to know what the situation is.

485. Would you welcome the possibility of having to admit this publicly?—It is very bad to be in the kind of position where you have to depend on a richer neighbour and take the crumbs from the

rich man's table; I would prefer to be poor but honest rather than rich and subsidised.

486. This is exactly the point. I feel that you do want the crumbs from the rich man's table and yet you also want the feeling of complete power within Scotland. If you want that I think you must be honest and say so.—I do not say and have never said that I want everything—and to be subsidised like that. The point is that figures are difficult to come by, and we have not got them. The following is a quotation from the 1965 report:

“The Political Economy Department of Glasgow University estimated that there was a net outflow of taxation from Scotland—after deducting all Government payments in Scotland—for the two years 1946/47 and 1947/48 of between £111 million and £216 million; that is an average of between £55½ million and £108 million.”

Mr. Stonehouse stated that the Ministry of Aviation, in the ten years before 1966, spent £1,550 million on aircraft development and research, of which 97 per cent. was spent in England and about 3 per cent. in Scotland. Until we get full figures we cannot say whether we are subsidising England or England is subsidising us.

487. *Chairman*: I believe there is to be released by the Treasury in the next few weeks\* another attempt at as complete a summary as possible. One must postpone any final judgment on the matter until one sees this calculation. But is it not in accordance with commonsense as an ordinary judgment of fact that there is overwhelmingly likely to be a balance of inflow of funds into Scotland? By observation the average level of incomes in Scotland is somewhat lower than it is in England; I have seen one estimate that it is 10 per cent. lower and I should have thought that was about right. In that case, since our system of taxation sets out to be, and in some degree succeeds in being, redistributive, is it not overwhelmingly probable that when the hard facts are produced they will show a balance of inflow of funds into Scotland?—That may be so, but the point is that at the end of the 19th century and onwards the income in Scotland per head was greater than that in England.

488. May I venture to say that there were no figures of the national income at that time that were worth quoting. There were no reliable national incomes statistics

\*Estimates of Central Government Revenue and Expenditure Attributable to Scotland for the Financial Year 1967–68. A Scottish Budget. H.M. Treasury, October 1969.



from any country of the world until 25 years ago.—(*Mr. Reid*): The Glasgow Chamber of Commerce, as advised by the Economist Intelligence Unit, has given up the attempt to find reliable figures for Scotland, and has doubted whether the figures for the Scottish budget being produced by the Treasury will be of any value for reckoning the position it was trying to discover.

489. Where one has a country which has been part of a union for a quarter of a millennium, the statistical task of sorting out the payments between them is a particularly difficult one. I cannot help wondering whether the constant demand from Scotland for more figures is just to put off the day when the conclusion will have to be faced.—If the figures were likely to favour the idea that Scotland was largely subsidised they would have been revealed some time ago, probably a good many years ago. We have been asking for them for years.

490. I doubt very much whether that is true, because I know some of the extreme difficulty of producing figures of this type.—I am sure I have correctly indicated the general impression created in Scotland.

491. *Mrs. Trenaman*: I should have thought it quite possible that if one could get at the figures—and it is formidably difficult to do that—they would show something along the lines of a subsidy to Scotland from other parts of the United Kingdom. I would expect the figures to show that and would not object if they did. It seems to me entirely proper that in the United Kingdom a richer part should subsidise a poorer, and I think that talk about crumbs from the rich man's table is ill-judged in that context. It is important for any consideration of the independent running of Scotland to know the facts as well as one can, because one should not mislead people into supposing that in addition to getting benefits by way of spiritual advantages they are also likely to get increases in material benefit. I am sure the Commission will look into this. What concerns me from the evidence received this morning is to try to get a little more definition into your proposals for independence and how far these are to go. With respect, I do not think it good enough to put forward proposals which in some respects are inconsistent and then to say "We are not experts in this matter". This is not an expert matter. It is a question of deciding how far you want to go. I think it has come out in discussion that having a veto on the United

Kingdom entry into the Common Market, or separate currency for Scotland, is not compatible with envisaging an absence of customs barriers. So if the absence of customs barriers is considered essential, this point should surely be reviewed. Similarly, I do not think it is consistent to talk about a separate management of the economy in terms of deflation and inflation, and simultaneously to allow for the totally free movement of persons and goods—the two will not run together. Perhaps in view of what we have heard this morning you would ask your Committee to look a little further at some of these things. In particular, what are the functions of the proposed Scottish assembly to be? Are they merely hortatory; or is the assembly to have power, and if so in what fields? We have been told that the solution to the problem about industrial developments certificate control would be to make this a function of the United Kingdom Government, assuming a federal system. It is not the sort of power one would normally see allocated in that way. Would it be fair to ask our witnesses to reconsider these matters and to give us more detailed evidence at a subsequent date?—(*Mr. Balls*): I think it is fair to repeat what I said at the beginning; that we represent a Committee of the General Assembly with no authority to speak on behalf of the Church beyond what the Assembly has endorsed. Secondly, I think you are being a little unfair to the Committee. What the Assembly has tried to do is to give expression to the dissatisfaction which is widespread throughout the country and to give expression to the two poles along which we think a solution should be found, namely, that it should be self-government within the framework of the United Kingdom. While we recognise that there is a tension between these two poles, it seems to us that it is much more the province of a high-powered Commission such as this to give some indication of where the particular points of tension lie, rather than for the Committee on Church and Nation, which is not an expert committee, to try to formulate what you are really asking for—a model.

492. I am sorry if I should be thought to be unfair and I do not wish to discredit the evidence we have received. I am merely concerned to move the business on. I am sure that as witnesses, representing a Committee of the General Assembly of the Church of Scotland, you are solely concerned with the welfare of the Scottish people. But where difficulties arise I am sure you should

have a hand in sorting them out. This is not simply a matter which can be put aside as an expert one.

493. *Chairman:* In thanking you for giving your evidence, I would like to make it plain that our purpose this morning has been to elucidate your views and not to state our own. Perhaps it is as well to make it emphatically clear that the Com-

mission has not formed even preliminary views, not even a working hypothesis, on this matter. If the questioning has given a different impression, I must emphasise that this session was intended to bring out the strength, and maybe the weaknesses, of the case you have put before us.

*(The witnesses withdrew.)*

MEMORANDUM SUBMITTED  
BY THE  
SCOTTISH NATIONAL PARTY

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**Introduction**

The history of the peoples of the British Isles leaves no room for doubt that there is a Scottish nation. The people of Scotland are the descendants of various elements, welded together for generations and centuries, with many distinctive characteristics as individuals as well as in their corporate life.

Since 1707, this people has shared in the continuing parliament of England. That they have a democratic and legal right to determine to withdraw from the incorporating union of that year, and from the resultant parliament, is not open to question.

The first main question is "How shall that right be asserted?" There have been several waves of nationalism in Scotland before the current one of the 1960's, all asserting the right to self-government. The current wave is different in that it is much more powerful than any previous wave, in terms of organisation and in terms of voting power. It is aimed at breaking the power on the Scottish political scene of the predominantly English centralist parties of the U.K. Establishment.

The right to self-government, therefore, shall be asserted by the Scottish people in democratic fashion at the ballot box.

The second main question is, "Why shall that right be asserted?" The basic reason will be because the people of Scotland want self-government in order to do a great many things better than is being done through the paternalistic control of the Westminster Parliament.

The people of Scotland want to assert the right to self-government in order to honour their heritage by developing it in accordance with their needs and wishes. To do these things requires more than an out-voted and divided minority share in the English Parliament, which has so little time for Scottish affairs.

These great tasks challenge the people of Scotland to attend to them by themselves, or in co-operation as a partner with other countries, as they see fit. Scottish traditions, the love of learning, the intense respect for freedom of worship and conscience, the kindness and hospitality, these intangible values which have long been honoured in Scotland, require the focus and the guidance of a democratic parliament in Scotland to ensure the full flowering and fruition of which they are capable.

In material things, the people require to control the wealth, resources and internal economic climate of their country.

To do all these things is the democratic right of any people.

Example after example may be quoted to illustrate the need for a Scottish parliament and also to demonstrate the widespread desire for it, in spite of the continuous and abundant flow of anti-Scottish propaganda which emanates chiefly from the two wealthy anglo-centralist parties whose interests are bound up with the continuation of the Union, irrespective of the ill effects it is having on the people of Scotland.

The next question to be considered is "When shall the assertion of the right become effective?"

When the people of Scotland have the will for self-government and are no longer taken in by the lip service paid by the two unionist Parties to Scottish sentiment, they will assert their right to the freedom of independence by electing as Members of Parliament men and women who are pledged to the re-establishment of a sovereign state of Scotland.

It will not be necessary for every member from the Scottish constituencies to be pledged thus, for the mandate to become operative. What is required is a majority of the Parliamentary seats in Scotland.

Those members of the Westminster Parliament who are given a mandate by their constituencies to set up a Scottish Parliament will expect the Parliament in London to repeal the Act of Union and to pass an Act dealing with the transfer of power and of assets from control of itself to control of a legislature in Scotland. The Act will also deal in principle with such matters as taxation, customs and excise, banking, monetary control, commerce and industry.

In posing and answering these questions, the Scottish National Party is making claims which are based on fundamental democratic Human Rights. The justification for the people of Scotland asserting their claim to these rights now is clear, surely, to any open-minded and neutral observer who studies the current situation in Scotland, and the evidence of neglect reflected in various facts and figures dealing with Scotland during the recent past.

### **General Aims of the Scottish National Party**

The Scottish National Party is a political body having as its purpose the restoration of Scottish sovereignty and the defence and furtherance of all Scottish interests.

The powers, complexity and all-pervading nature of modern government are such that every person and every activity are considerably affected by the actions of government. It is, therefore, necessary for the people of Scotland to resume the responsibilities of government so that they may themselves exercise that control of decisions which is necessary for the survival, prosperity and enrichment of Scotland.

The Scottish National Party seeks full self-government for Scotland in all loyalty to the Crown and as a full member of the Commonwealth. The right of self-government will be exercised by a freely-elected Parliament, whose rights, powers and duties will be clearly defined in a written constitution.

All Scots are proud of their strong tradition of democracy which has been upheld and defended in many generations. The constitution of Scotland will be based on that tradition and will, as its main purpose, guarantee the rights of the people. It will be submitted to them for approval.

The Scottish National Party is the only political party in Scotland which is preparing comprehensive policies for the development of an independent Scotland. At the first General Election after independence, National Party candidates will stand for election to the Parliament of Scotland. They will be willing to form a government if they are in a majority in that parliament. It will be up to the people to decide whether to support the National Party's candidates or to support those of any other Party which campaigns for support.

It would be desirable for the transition to independence to take place in an atmosphere of goodwill and co-operation on both sides. Parts of the Scottish State still remain extant. The judiciary and legal system of Scotland can immediately operate in their proper Scottish context.

Appeals to the House of Lords will be abolished and Scottish legislation will be substituted for United Kingdom legislation.

Those sections of government administration which are at present subject to the directions of Ministers in the United Kingdom government will continue, except that their instructions will come from Ministers in the Scottish government.

Steps will require to be taken on a planned basis to transfer the administration of those functions of government which do not yet operate in Scotland. The assets, liabilities, and functions of State-controlled industries and enterprises will require to be apportioned and appropriate authorities in Scotland established to control them.

It is expected that many involved questions will arise in allocating to Scotland her rightful share of the assets and liabilities of the United Kingdom. These questions need not delay the establishment of a Scottish government and can be determined by a joint commission representing the governments of both countries with provision for independent arbitration in the event of dispute. What is important is that the people of Scotland should, at as early a date as possible, exercise once again the duties and responsibilities of making their own decisions in their own interests.

The Scottish National Party envisages Scotland fostering and enjoying close co-operation with the other nations of the British Isles. This is not inconsistent with independence. On the contrary, it is our view that true co-operation and understanding are only possible between nations which respect each other's right to independent decision.

It is our intention that the government of Scotland should endeavour to secure agreement with the governments of the other nations of the British Isles to allow goods and persons to move freely within these islands without let or hindrance. In particular, we can see no insuperable practical difficulty in arranging matters so that no customs barriers or similar obstacles need exist on our border with England. It is our hope that the other nations concerned will find it possible to reciprocate in the same spirit of goodwill and commonsense; but of course a Scottish government's first duty will be to safeguard the interests of the people of Scotland and it is accepted that fulfilment of that duty in the face of threats to the well-being of the people of Scotland could require the establishment of some controls.

Scotland has an intimate and direct interest in establishing close associations with the self-governing nations of the Commonwealth. Many millions of her sons and daughters and their descendants have their homes in these countries and have played an outstanding part in their development. It is natural that we should wish to establish direct contact and association with them.

Scotland, in keeping with her long-established international outlook, will undoubtedly seek membership of the United Nations Organisation and other appropriate international bodies and will be anxious to foster and support co-operation among nations for the furtherance of world peace and understanding. It may be mentioned that in terms of population, half of the member countries of the U.N. are smaller than Scotland. It is also relevant that in terms of national income per head of the population Scotland is in the top twenty nations in the world.

### **The Mandate of the Scottish National Party**

The Scottish National Party depends for its support on the loyalty, will and determination of all who have made Scotland their home. The Party is a democratic body at all levels and its decisions are taken by representative and elected assemblies.

The supreme governing body of the Party is its Annual Conference to which all branches and constituency associations are entitled to send delegates. The Party's national office-bearers are elected by Conference and must submit to re-election each year.

The Party practises democracy in the fullest sense and is not subject to the dictatorship of block voting. The national office-bearers and the National Executive Committee are answerable throughout the year to a fully representative National Council which meets not less often than quarterly.

The Conference is also the supreme policy-making body of the Party which does not accept that a leader, even an elected leader, or even a group of elected leaders, should decide what the Party's policy should be.

It is clear that the rise in support for the Scottish National Party in recent years has been the main reason for the attempts of both unionist parties to placate opinion in Scotland by a series of apparent concessions ranging from regional development policies to the appointment of a Select Committee for Scottish Affairs. We consider that the establishment of this Commission by a Labour Government, and the Unionist Party Commission under Sir Alex Douglas-Home, are no more than defensive reactions to the growth of opinion in Scotland (and Wales) which understands clearly that Scotland's future can only be secured by the resumption of the powers of government by the Scottish people themselves.

The National Party holds the allegiance of over 130,000 members, organised in over 500 branches and in 71 constituency associations. The membership has grown from 2,000 in 1962 and we can now claim to be the largest political party in Scotland.

Over 40 prospective Parliamentary candidates have been adopted and further adoptions are due to take place shortly. It is our intention to contest every seat in Scotland at the next General Election. Thus, for the first time, all the voters of Scotland will be given an opportunity to vote in favour of self-government. This progress has been achieved, despite the Labour and Conservative Parties' dictatorial unfairness in the allocation of television time for political broadcasting, and despite many other obstacles.

In the two Parliamentary bye-elections held in Scotland since the 1966 General Election, the Party has increased in momentum, gaining 23 per cent. of the vote in Glasgow, Pollock, in March, 1967 and 46 per cent. of the vote in Hamilton in November, 1967. In local government also, the National Party has been receiving massive support at municipal elections.

The membership of the National Party contains a wider cross-section of Scottish life, whether assessed by age, occupation, religion, geography or any other factor, than any other political party in Scotland.

### Some Aspects of the Need for Independence

The organisation of democratic society in the Western World is based on nations. It is internationally recognised that nations have a right to maintain their existence and to govern themselves. To deny that right to Scotland means that either Scotland is not a nation or that nations should not run their own affairs.

Scotland has been separated and isolated from her traditional relations with the rest of the world since the enactment of the incorporating union with England. It is symptomatic of this isolation that a Scot cannot board an aeroplane in our capital city and fly direct to any country outside the British Isles. It is our intention that an independent Scotland should enter into direct contact and dialogue with all other nations with whom we have problems, ideas, conditions and interests in common. We think particularly of the countries of the Commonwealth and the democratic small nations of Europe, which manage to flourish and prosper without the advantage—as our opponents would put it—of being governed from London.

In recent years, Scotland has been adversely affected by the rapid acceleration of the amalgamation of industries and of commercial organisations, both in private and in public ownership, together with the centralisation in London of the decision-making associated with these changes. The effects and serious implications of this trend have been clearly spelled out by the Scottish Council (Development and Industry). Various forecasts have been made of the rate at which this trend will continue in the future. It has been said that the Scots are in danger of becoming a nation of industrial peasants as a result of the removal of decision-making jobs through amalgamations. It is certain that no Scottish government would sit idly by and allow this movement of control to continue unchecked.

It has also been said that in this respect Scotland is similarly placed to the northern regions of England. To say this is to misunderstand the situation. Scotland is not a colony, province or region of any other country. Scotland is a nation and it is in terms of national interest that Scots must examine this problem and it is with the standards of nations of similar size and capacity that Scotland should be compared.

A further basic criticism of the present arrangements whereby Scotland is governed from London is that it is neither efficient nor sympathetic. Innumerable examples can be given, but we outline here one that is of wide importance, that of economic mismanagement. If we count all the instances of “stop-go” policies since 1945 it can be shown that on some 14 occasions governments of both the centralist parties have made a major imposition of policies of restriction. In every case the reasons given have been the inflationary effects of domestic consumption, too great a demand for labour and an adverse balance-of-payments position.

On no occasion since 1945 have these reasons applied to Scotland as they have applied to England. The level of incomes has always been lower in Scotland and the national standard of living lower, so that we have not been able to develop an inflationary level of domestic consumption. According to the National Savings Movement, Scotland has also voluntarily reduced her domestic consumption by higher savings per head than in England.

At no time have we in Scotland had the position of too many jobs chasing after too few workers, despite an appalling and damaging rate of emigration.

From research done by the Scottish Council (Development and Industry) it seems clear that exports per head from Scotland have been substantially higher than those from England. Since at the same time there is evidence that imports into Scotland are at a lower level, Scotland has probably had a favourable trade balance for many years.

Yet Scotland has suffered a full share of restrictions which were not justified by her economic position. We are in the situation of being in relative health, but, by reason of



living with a chronic invalid we are compelled to swallow unnecessary medicine which has in fact damaged us. Incidentally, the patient does not appear to be recovering.

Public expenditure has been arbitrarily cut and private development hampered at times when expansion rather than restriction should have taken place.

The constant failure to recognise and provide for Scotland's different circumstances is a fundamental indictment of London control. The people of Scotland have learned from bitter and repeated experience that the political colour of the London government is irrelevant to Scotland's interests and needs. More and more Scots are deciding that only a Scottish government with full powers of financial control will solve Scottish problems and effectively defend Scottish interests.

### Conclusion

The Scottish National Party, as Scotland's largest political party, believes that only by democratic self-government and determined self-effort will the nation of Scotland survive and prosper.

The issue of self-government is a moral, political and constitutional issue to be decided by the people of Scotland and not by any commission or other government body. At the next General Election, for the first time, the whole Scottish electorate will have the opportunity of voting on this issue because the National Party will be contesting in every constituency in the land.

Nevertheless, we welcome the establishment of this Commission as a further proof of the National Party's progress and as recognition of the extent of its support. We envisage the role of the Commission to be a means of communication to the other nations of the British Isles of the aspirations of the people of Scotland and of the rights which we claim.

Scotland is a nation. The Scottish National Party claims the fundamental right of nationhood—that of self-government—in a spirit of friendship and goodwill to our neighbours. We are ready and anxious to put our policies to the democratic test and to restore to the people of Scotland the sovereignty and responsibility which is theirs by right.

PROVOST DR. R. MCINTYRE

MR. A. DONALDSON

MR. I. MACDONALD

MR. H. C. D. RANKIN

MR. H. WATT

DR. D. SIMPSON

MR. G. WILSON

PROFESSOR I. MACGIBBON

*on behalf of the Scottish National Party, Called in and Examined*

494. *Chairman:* We now come to the evidence of the Scottish National Party. I think it would be best if I ask Dr. Robert McIntyre, who is the leader of the delegation, first of all to introduce the members of the formidable array we see in front of us; and I believe Dr. McIntyre also wants to make a short preliminary statement. —(*Dr. McIntyre*): Chairman, first of all, may I do as you suggest and introduce the team. We have Mr. H. C. D. Rankin, who is co-ordinator of our committees on housing and allied subjects; Mr. Arthur Donaldson, who needs no introduction to any Scottish audience—he is a member of our executive and a prospective parliamentary candidate in the south-west of Scotland; Mr. Ian

Macdonald, who was our national organiser for some time, and he is also a prospective parliamentary candidate in East Stirlingshire; Dr. David Simpson, who is senior lecturer in economics at the University of Stirling; Mr. Hamish Watt, who is co-ordinator of our committees on natural resources; Mr. Gordon Wilson, who is our national secretary and a solicitor; and Professor Iain MacGibbon, Dean of the Faculty of Law at the University of Edinburgh, and Professor of International Law. First of all, sir, I would like to draw the attention of the Commission to the fact that some years ago the Scottish National Party gave evidence to a previous Commission,\* which had a rather different remit from your own

\*The Royal Commission on Scottish Affairs, 1952–54 (Chairman: Lord Balfour).

Commission. Nevertheless, the evidence was in the same direction as our evidence today. I would refer you to that, and we may submit that again as evidence to you, if that is in order.

495. Would I be right in inferring that you would not wish to change it in the time which has passed since you gave it?

—We might give it a re-examination, but any changes would be very minor. On the question of evidence, we may ask for the opportunity to give more detailed evidence later on. As everyone knows, the time has been short; and also, after we have seen the way in which the Commission is going about its business, it might be helpful if we gave much more detailed evidence at a later date. The broad position which we take up is that Scotland should have its own government, self-government, deciding matters in Scotland; that Scotland is a natural national community, and as such should be served by a government of its own. We find that, within the past 50 years, decision-making has been leaving Scotland at a very rapid rate, with the increase of Government administration, and also in the more private sectors of industry, with the increase of centralisation. We feel that this is damaging to the national ethos and to our national community, to the extent that that national community will disappear if we do not have again our own government. We are a people with an international outlook, and we look for good relationships with every other country. I think it is true to say that peoples elsewhere find us rather more international in outlook than those south of the Border. We consider that it is the right and the duty of the Scottish people to resume their responsibility for their own affairs. At this stage in our complex society, we feel that there are dangers in the people being left without that responsibility. We have noticed how they may blame other people for the condition which they are in, and we consider this a highly undesirable state. People should be able to decide their affairs, and if things go wrong they know where to put the blame. We ask the question, not why should we have self-government, not why should we be discussing this with you and asking you to see our point of view on this matter; but rather the opposite: why should it be that of all countries similar to Scotland, this should be the only one without self-government? We feel that this would be a question that you should have to answer. It is a unique situation, without parallel, and we see

no advantage in continuing that situation. We welcome this Commission, and we recognise, as no doubt you do, that your presence here is on account of the obviously increased support, not for self-government alone, but for the political way in which we are going about achieving self-government. We consider that the people of Scotland have always wanted self-government and do so now, but realise that it has a top priority at the present time.

496. Thank you. The evidence which you have put before us is of a very general character, which I suppose is attributable, at least in part, to the fact that you were anxious to produce something for our meeting today. I was grateful to note your suggestion that supporting evidence on particular detailed matters can be expected at a later date. I think you will realise that it will be difficult for the Commission to go very deeply into the specific matters of policy until we receive evidence on them, and that the questioning today must very largely concern itself with the more general matters contained in the evidence which is before us. I would like also to make it quite emphatically clear that the Commission has formed not even a provisional view, not even a working hypothesis, on matters which you are putting before us. If the line of questioning appears to suggest the contrary, that is merely in the attempt to elucidate what in fact you are putting forward, and to begin the process of assessing what the strength, and perhaps the weakness, of that case may be. I think it is a fair summary of the evidence you have put before us to say that it consists in the main of three propositions: firstly, that Scotland is a nation, of which you say there is no room for doubt; secondly, that the Scottish nation has a democratic and legal right to withdraw from the Union, which you say is not open to question; and thirdly, that the method of asserting that right should be by the result of the next general election. That is what your evidence says?—Yes, and by the result of elections.

497. To make quite clear that we know what we are talking about, is it correct that the role which you seek for Scotland is one of sovereign independence within the Commonwealth?—Yes, within the United Kingdom. We are not seeking to abandon the Union of 1603, which formed the United Kingdom. . . .

498. Forgive me, is your history correct? That was the Union of the Crowns.—That is right, we are not seeking to abolish

that. We are seeking to set up an independent parliament for Scotland, which shall be the authority in all matters pertaining to Scotland, on an equal basis with other countries.

499. Would it be a correct assessment to say that you are seeking a status going considerably further than that of Northern Ireland?—It is not a question of going further or not so far. It is a question that this is our country, and we see no reason why we should not have a government on an equal footing with other similar countries.

500. I must ask you a more precise question. Would the status of Northern Ireland be satisfactory?—No.

501. Would the status, for example, of Australia be satisfactory?—Yes, I think the status of Australia would be satisfactory, except that because of the historic situation Scotland has closer ties with the monarchy than has Australia. It is a rather different relationship.

502. Broadly speaking—I am only trying to focus the discussion—what we are talking about is action which would put Scotland in a similar position to Australia, still loyal to the Crown and still part of the Commonwealth, but recognised by the United Nations as being eligible for membership?—Yes.

503. And in all practical matters sovereign and independent?—Yes.

504. Let me now go to the three propositions, which as I said really underlie your evidence, and take them up each in turn for examination. The first proposition is that Scotland is a nation. This is a proposition of which you say there is no room for doubt. What constitutes a nation?—(*Mr. Donaldson*): I think, sir, that the definition of a nation, while it may have certain vague parts in it, is pretty well accepted in international affairs. A nation is a group of people who, in the first place, feel themselves to be a nation; who secondly, have a considerable past history, in which they have been a nation and have acted as a nation; and who, thirdly, are recognised by other countries as being very definitely a separate entity in the sense that they have so many characteristics which are peculiar and common to them, and which are recognised by other countries. A group of people is also a nation in the respect that it maintains its basic institutions, which were evolved throughout the centuries; the only one which has been completely surrendered in the case of Scotland is parliament.

505. Of those three criteria, are at any rate some of them not a little difficult to ascertain? Let us take them in order: firstly, that a nation is a group of people who feel themselves to be a nation. That may very well be true of Scotland, and I am not questioning it, but how do we know that it is true?—We know that it is true by the general acceptance by the people of Scotland, including many opponents of our proposals for self-government, that Scotland is a nation.

506. How do we know that there is such general acceptance?—There was such an acceptance in connection with the Royal Commission under Lord Balfour.

507. What form did that general acceptance take?—A statement which was made by Lord Balfour that Scotland was a nation and was to be treated as a nation.

508. And that in your opinion is conclusive?—No, it is evidence.

509. I am Chairman of this Commission; if I state that Scotland is not a nation, is that equally conclusive?—No, sir, because you are not in a position to make such a statement. You are not a Scotsman.

510. Distance may lend objectivity.—Perhaps we could take you over.

511. Your third criterion is that other people should think that you are a nation, and on that no Scot can speak, surely?—Agreed, but on the other hand that is the third of the criteria which I gave, and the least important of the three.

512. The second is that it should have acted over a substantial period as a nation. Is that not also a little difficult of precise ascertainment?—Scotland became a nation in 843 in the accepted sense—in the sense of having its own government, of running its own affairs, of being accepted by the rest of the world as a nation. It continued to be a nation without a break, in spite of some very definite attempts to create a break; it maintained its independence as a nation until 1603, when it did not give up its independence but merely entered into a regnal union with England. The only break there could be said to have been in that very long history was in 1707, when we entered into the parliamentary union.

513. Would I be very far wrong in saying that all these matters are really matters of assertion, and that if enough people asserted them, that in your opinion makes them true?—No, these are matters of history; they are not matters

of assertion. There are libraries here in which you can get all the proof you want. I know you are an educated man and know that these are facts.

514. That is what we are here to find out. Is it possible to belong to the Scottish nation whilst not residing in Scotland?—Yes, I think it would be possible, but it would not last very long. In fact that has been the characteristic of Scottish emigration, that our people very quickly sink or absorb into other nations.

515. Would you say that, of people of Scottish ancestry living outside Scotland, one person belongs to the Scottish nation and any other does not?—I think that is a personal matter. There are people who have been outside Scotland for, perhaps, two or three generations, who assert themselves as being Scotsmen and have the right to do so.

516. Would it then be correct to say that no man knows how many members of the Scottish nation there are?—I think that would be perfectly true, but it would be only one of the many statistics which are not very satisfactory.

517. And that it may very well be that the residents of Scotland are a minority of the Scottish nation?—Yes, but those who are outside Scotland are not bound as we are by what happens here in Scotland.

518. That is a different matter. I was trying to ascertain what is the definition of a nation. Is there a British nation?—No.

519. Has there ever been a British nation?—No—perhaps there was in the days of the Romans. I was not here.

520. Let us confine ourselves to the last 500 years. At any time in the last 500 years has there been a British nation?—No, sir.

521. Taking your three characteristics—that a nation exists when people think themselves to be a nation, when they act together as a nation and when other people treat them as a nation—has there been no time when it could be said that, judged by those criteria, there has been a British nation?—No. All through those periods the people of Scotland have made it very, very clear that they regarded themselves primarily as the Scottish nation.

522. Have they?—Yes, sir.

523. By what means?—We have had the organisation of Scottish regiments on a Scottish basis.

524. That does not seem to me to indicate that they did not think they were British. We have had organisation of

regiments on a county basis in England, but that does not imply that the soldiers did not think they were British.—Yes, but England and Scotland are two different things. What has happened in a region in England has got no connection whatsoever with the situation in Scotland.

525. This is another assertion, because I am testing you by your own criteria of what makes a nation: one of these is that a nation exists when people think they belong to a nation. I would say from my observation as a young man that the more Scottish a person was in education, speech, culture and residence, the more he not merely accepted that he was British but insisted that he was British. That was in the days when the outside world persisted, regrettably, in referring to the whole of this island as England and to its people as the English. If you read the literature of 50 years ago, you will find that was the universal way of describing the whole of this island. In my own experience as a young man, the inhabitants of the northern part of this island, in my hearing, frequently and insistently claimed that they were British and not English.—That was perfectly true, of course, at one time of the people of Ceylon as well, but no one ever suggested that the people of Ceylon—or Kenya or India or any of these other countries—were British in the sense of nationality.

526. I have no experience of the people of Ceylon. For a long period in the 18th and the 19th centuries, if you stopped a man in the street in Edinburgh and asked him what nation he belonged to, is it not overwhelmingly probable that he would have said "British"?—No.

527. When the first railway company was formed in this country, what name was given to it?—North British, because an attempt was being made at that time to subjugate the name of Scotland in the name of North Britain. The North British Company was organised by people who perhaps agreed with that attempt, but it never has been true of the people of Scotland. I would suggest you look at a hotel register and see what Scottish people enter under nationality; they overwhelmingly write "Scottish".

528. We were talking about a nation, not nationality. There is no doubt at all in my mind that, if people answer the question of nationality by saying "Scottish" they are incorrect.—How can you have a nationality if you do not have a nation?

529. Nationality is a matter of statute.—No, nationality there is a matter of citizenship.

530. Forgive me, the statutes talk about nationality.—Not here. We have been United Kingdom subjects, but we have never been in any respect anything less than Scottish.

531. I think you will find that the operative statute is called the British Nationality Act. However, this is getting into a corner of the argument. One of the tests which you state in your evidence as being the criterion of a nation is that its various elements should be welded together for generations and centuries. Do you still tell me that there is not and never has been a British nation?—No, sir.

532. Have we not been welded together for generations and centuries?—No, sir.

533. We have gone through fire together many a time, and is there any better definition of welding than that?—No, it is the final end product which matters. You can put all the fire you like on a piece of metal, if you do not do a good job it is not welded.

534. So you will still assert that there is not and never has been a British nation?—No, sir, there has not.

535. Would you say this is not a matter of opinion?—No, sir. It might be your opinion, but it is not our opinion in Scotland.

536. Then we have arrived at the point of agreeing that opinions can differ.—(Dr. McIntyre): The position is that England has not accepted the Treaty of Union in the same spirit as did Scotland, and therefore prevented the formation of a truly British nation. That is the position. We are satisfied that we are a nation, and that we should have our own government. It is for the Commission, if you wish, to doubt that proposition; you are free agents.

537. But we did arrive at the point that it is agreed that it is a matter of opinion whether there is a British nation?—(Professor MacGibbon): I wonder, Chairman, whether or not this is really a profitable discussion? Quite honestly I think this is wasting time. I think it is common knowledge, or it would, I am certain, be within the judicial knowledge of your neighbour, Lord Kilbrandon, that Scotland is a nation. I think possibly you, Chairman, are confusing matters when you talk about a British nation. You surely mean a British state, which is a very different matter.

538. No, forgive me, I mean what I say, I mean a British nation. I would not have taken up this matter of nation

if it had not been the very first point in your evidence. If it is a waste of time, then I think that is the result of your putting it in your evidence. The very first point you make is that Scotland is a nation, and therefore things follow. I am testing that. In what sense is it true that Scotland is a nation? In what sense is it not true that Britain is a nation?—May I suggest that the easy way out would be for you or the Commission to prove that it is not a nation.

539. On the contrary, you are submitting the evidence, we are testing it.

540. Lord Kilbrandon: Since my name has been mentioned, I should say I think we are really discussing, profitably or not, what is a question of law. We are using the word "nation" in two different senses. My nationality is British; there is no question about that. But that does not prevent there being a Scottish nation. I am a domiciled Scotsman of British nationality, and I honestly think it is not a very profitable distinction to make.

541. Chairman: I must take leave to take issue with my distinguished colleague. It seems to me to be important in this way, because if there is a British nation and equally a Scottish nation, if the two are existing side by side, then many of the consequences which are drawn in this paper from the existence of a Scottish nation do not follow.—(Mr. Watt): We have lived under the law of Scotland for many years, a law which is very different from that of England. We have lived under the Church of Scotland for many years, we have lived under the Episcopalian Church of Scotland, we have lived under the Roman Catholic Church in Scotland—all rather different from those of England.

542. Is the law of nationality in Scotland different from that in Great Britain?—(Professor MacGibbon): I hope that we do not have to go into detail on this. I would suggest that it really is, although the House of Lords has found to the contrary. I am sorry Professor T. B. Smith is not here, but perhaps Lord Kilbrandon can help us.

543. I interpret your answer as saying you think it ought to be, but in fact it is not. Surely when something goes up to the House of Lords, and the House of Lords has spoken, that is the law.—Unfortunately. I think it would be part of our submission that it is unfortunately the law even in Scotland. This is one of the things I am sure we would like to change.

544. Perhaps we can move onto the next point, which was that Scotland, which is asserted to be a nation, has "a democratic



and legal right to withdraw", which you say is not open to question. A legal right is a right in law. What is the right in law which is not open to question?—There are two ways of looking at this, one internally and the other internationally. From the internal or constitutional point of view, I do not think one can really talk about a legal right to revolution, which is what it amounts to. If it succeeds, a revolution then becomes legitimate, but it depends entirely on success. We can however go back as far as the Declaration of Arbroath, and bring in also the Scottish Claim of Right, to suggest it has always been the expressed viewpoint of the Scottish people that they have the right to change their government when their government is misgoverning them, ignoring their freedoms and liberties.

545. What that amounts to is that from time to time it has been asserted that there is a right to withdraw. What I wondered is, why do you think this is not open to question?—It has happened so often in history in so many parts of the world and has been accepted, that it is now without doubt internationally a generally accepted right. There is no union which is perpetual, in spite of the words of some constitutional documents.

546. The United States fought a civil war 100 years ago, which arose precisely on this question. The result of the civil war was to establish the facts that the union could not be dissolved by the action of one of its parts. Right at this moment there is a bloody civil war happening in Nigeria on precisely this question. Why do you say it is not open to question, when people are prepared to give their lives to question it?—I am saying, sir, that as a matter of law there is no doubt that each nation or people, in the sense of a nation, has a right to self-determination. I will give you chapter and verse, but it will take a long time.

547. Let us not have chapter and verse, then. I would accept this much more readily if you did not use the word "law".

548. *Mr. Maitland Mackie*: Are you saying that as a nation in 1603 the Scottish people had a right to negotiate the Treaty of Union, and therefore accept or want the right to renegotiate that Treaty. Is this in fact what is being said?—This might be one of the consequences of independence. The only way in which the Treaty could be renegotiated would be for Scotland to become independent and to do it that way. There is no question of possible renegotiation within the present constitutional context.

549. *Chairman*: You say that if certain conditions are established that would satisfy you, and you would "expect"—that is your word—Parliament to repeal the Act of Union. Have the English no say in the matter?—With respect, there is not an Act of Union, although I know that our evidence does speak in those terms. If I may correct that, it should be either "the Union legislation"—quite a number of Acts in Scotland and in England—or, more simply, "the Treaty of Union".

550. Would you accept that, since it takes two or more parties to make a union, it also takes two or more parties to dissolve one?—No, of course I would not. It has been proved so often that a unilateral declaration of independence is effectively and legally as proper as an agreed, negotiated one.

551. This is a matter in which nothing succeeds like success.—True, revolution succeeds.

552. Would it be accepted in England as a reasonable proposition that, if Scotland has spoken, then without further demur or discussion the union legislation should be repealed?—(*Dr. McIntyre*): Are you suggesting that the English people are not sufficiently civilised to recognise natural right, which is so acceptable in other parts of the world, and which England herself has accepted in relation to many other countries in the last twenty years?

553. I am suggesting that they might very well fail to see natural right. This is, after all, a matter in which the English are also interested.—(*Professor MacGibbon*): True, but it is more of interest to Scotland. I am not suggesting for a moment that self-determination, without limits at all, is the principle to apply. There would obviously have to be limits. The two important negative conditions that must be met are that the result of a secession must be not to leave a political miniscule—something which does not make sense politically or economically; and that the rest of the territory is not deprived of its economic basis. Other than that, the test of a successful secession or act of self-determination is surely whether or not the established, independent unit is recognised as such by other states. The fact that the mother country, if you like to look at England in that way, is the last to recognise independence would be the way that things have happened in history before; and that really is the determining factor in the political sense, the economic sense, of self-determination: whether or not the



independent unity receives recognition from other existing states.

554. Let us take the hypothesis that your expectation—that, on given events in Scotland, Parliament would then repeal the union legislation *holus bolus*—were disappointed. Suppose the English were recalcitrant, what then? Would you settle for less?—(*Dr. McIntyre*): This is a very hypothetical question.

555. Are we not this afternoon entirely exploring hypothetical questions?—By no means. We are making an assertion, if you like, that Scotland should have self-government for moral reasons, political reasons and economic reasons. This is an assertion: it is not a hypothetical question. You are suggesting that a recalcitrant English government . . . .

556. No, I am suggesting that the majority of the Parliament of the United Kingdom might be recalcitrant.—Well, it amounts to the same thing.

557. Not necessarily.—I would not be surprised if they would be rather unwilling to see Scotland have her own government because the benefits to England of the connection are very great in very many directions. Scotland is a very important country, much more important than we are led to believe by the usual United Kingdom politician. In that context, I can imagine no London government willingly giving up power over Scotland. That is a different matter from saying that they will not countenance the proposition once the people of Scotland have made it quite clear what they are after. If they do such a thing, then they will be condemned in the eyes of the world, and rightly.

558. What would then happen? Let us suppose you have won a majority of the Scottish seats in Parliament, which is the criterion you yourselves have set down, and you then expect Parliament to repeal the union legislation and Parliament says "No". What would you then do?—It would depend on the circumstances at the time, what the position would be. But Parliament would then be acting in a contrary way to normal civilised behaviour.

559. It might not think so.—I am not the keeper of the morals of the House of Commons or of any London government. There are, however, certain facts in recent history which indicate that, when a people has made up its mind, then the Government in London has found that it has had to accept this situation whether it liked it or not. I believe that the English people are a fair-minded people and they would

not like a government of theirs to be doing what you suggest they might do.

560. With respect, you are still dodging my question. You are saying this contingency would not arise. I am asking, supposing it did, what would you do?—That is a hypothetical question.

561. But I am asking you to answer it.—It would also depend on what they would do.

562. In other words you do not know what you would do?—Oh, yes.

563. If you know why will you not tell us?—(*Mr. Donaldson*): This question does not need to be asked . . . .

564. You must allow us to form our own judgment about that.—If you have any knowledge of the aims and policies of the Scottish National Party, you will know that we have taken this possibility into account.

565. Then why will you not tell us the answer?—I am just about to tell you, if I can get a word in edgeways. The position is clearly set forth in our aims and policies that, in the event of a Parliament in London refusing to accept the democratic decision of the people of Scotland, then the Scottish representatives will withdraw from Westminster and set up a government here in Edinburgh to run this country; and then the hot potato will have been passed to England.

566. I see. So in substance the answer is that, if the Parliament of the United Kingdom did not give you what you wanted, you would have a U.D.I.?—That is what we would be compelled to do by their recalcitrancy.

567. Thank you. May we go on? You refer to the Scottish people by democratic means asserting their will. You say in your evidence the criterion is that you should win in a General Election, that the Members of Parliament elected by a majority of the constituencies in Scotland should be pledged to independence. You make the point quite specific that you do not mean all the Scottish Members of Parliament but a majority, one more than half. That is so?—Yes.

568. Do you set up any criterion as to the number of votes cast?—No. In this matter we have been guided by the normal practice of the Westminster Parliament. That pays no attention to majority of votes, but accepts the right of the party holding the majority of seats to set up a government, when in all cases in recent years they have had a minority of the votes, particularly in Scotland.

569. Is it not possible that in the next election the seats won in the House of Commons will not correspond very closely to the votes cast? We are to suppose that there will be at least three candidates in all constituencies, and there may be four in many. In those circumstances is it not quite possible that the members represent a minority of the electors?—This would not be anything new in our experience. Only once since the end of the Second World War has there been a General Election in Scotland in which the party which became the government had a majority of the Scottish votes.

570. Has there been a General Election in which there have been as many candidates as there look like being next time?—What will happen in the next General Election I do not know. I have seen many cases where candidates in the field months before the election never appeared. This is possible in this case as well.

571. Do you think, as a matter of realism, it is right to assume that those who vote for a party are positively in favour of its programme? Are the majority of them not more concerned to vote against some other party?—(*Dr. McIntyre*): That could be. This question has been raised many times, and we have asked the United Kingdom Government to take plebiscites for Scotland to get the opinion of the Scottish people, and Prime Minister after Prime Minister has declared that this matter shall be adjudged by the ballot box. We are saying "All right, on your terms we are accepting this." Very recently, when Mr. Russell Johnston's Bill was being discussed in the House of Commons, Mrs. Ewing made it very clear that they had a chance to do something then, or they would have to abide by the result of the ballot box.

572. Do you think that the decision that a majority of members of your party return to Westminster in one election should settle the matter once and for all?—Yes, I do, because I am quite convinced that not only the supporters of the Scottish National Party but also those who vote for other parties want to see their own parliament in Scotland, and have done so for a very long time. It is only fairly recently that there has been an independent Scottish political party. That party arose because where promises had been given about self-government by other parties, by London-based parties, these promises were not kept. It became necessary therefore to establish an independent Scottish political party. As you know, the Labour Party had a proposal

for a Scottish government in its programme until after 1945, and indeed I fought against people at elections who put as first priority the establishment of a Scottish parliament. I considered this was quite impracticable because it could not come from their party; and therefore they were telling the electorate something which was quite wrong, whether they believed it or not. The position is that these parties promised self-government and did nothing about it, and the Scottish people supported them to a large extent because of the promises that they made on that issue.

573. But my question was whether the verdict of the electorate in one election is enough to settle the matter once and for all.—I am convinced at the moment that the people of Scotland want self-government. This has been dealt with in polls, plebiscites and so forth, up and down the country, and the answer is always the same.

574. I am sorry, but I still do not think I have had a clear answer to my question. Do you think that the verdict of the electorate expressed at the ballot box at one election should settle the matter once and for all?—My answer was "Yes".

575. Suppose at the next election a majority of Members of Parliament are returned who oppose self-government for Scotland. Would that settle the matter once and for all?—Certainly not.

576. In other words, you claim to have one law in this respect for yourselves and another for your opponents?—Certainly not. That seems to me to be a piece of sophistry in relation to this particular subject.

577. I do not think so. I think it is a very direct point. Why do you say that the matter can be settled at one election if it is in your favour, when you are unwilling to accept it if it goes against you?—(*Mr. Wilson*): If and when we get a majority of Scottish Members of Parliament and we go through the procedure of obtaining a Scottish government, this does not necessarily mean that there would not be people in Scotland who were not wholeheartedly in support of self-government; there would be those who were not. In a Scottish state there would be a pro-union party, and they would have the opportunity of convincing the people of Scotland through the ballot box of the need for change. Therefore, in both circumstances the position is balanced. We would say that when there is a vote in favour of the Scottish National Party

and its candidates, then and there the decision has been taken and must be implemented, just as in the case where the Labour Party got a majority in 1964 it formed a government and did not say "This is a very narrow majority; we will call another election to get a bigger majority." You have to discuss this in terms of political realism. We are saying quite definitely that, if there is a vote cast by the people of Scotland in favour of the Scottish National Party resulting in a majority, that is sufficient in itself. Otherwise you are suggesting that the people of Scotland are not aware of the issues. We say they are, and this is a big issue which has grown in the past few years. Your presence here today, arising in some respects out of the Scottish National Party's electoral successes, is significant of the prominence of this issue in the minds of the Scottish people. So I suggest the counter distinction you draw is not valid.

578. I am not saying that. I am asking why, that if the Scottish people, being aware of the situation, as you say they are, vote against you, do you not accept the verdict?—We would accept the verdict on that particular election in favour of self-government, and equally we would if they voted against us on that issue at that time. But that would not prevent us from working to secure a majority at a subsequent election. Equally, the pro-union section in Scotland would have the opportunity in an independent Scotland of voting and working for the support of the Scottish people to change the status quo back to something else. In each case freedom of action is available to those who want to assert it.

579. But do you think it is reasonable to suggest that a union which has lasted for a quarter of a millennium should be dissolved because on one occasion, and perhaps in part for accidental reasons, as little as four per cent. of the people of that union might vote for a given party?—In 1707 a union was entered into after one millennium—not a quarter of a millennium—of independence, and that vote was taken by a party which did not have a democratic franchise. There were riots over the decision being taken by Parliament, over which the Scottish public had no control. Yet a vote was taken in the Scottish Parliament dissolving it at one particular time and that was sufficient to put Scotland into the union. Equally, the same can occur now; if the Scottish people decide to assert their democratic rights, they are entitled to do it through the ballot box.

580. I think it is very difficult to decide what seemed proper 250 years ago. I am asking about now. I repeat my question. Without regard to what may have happened at other times and in other circumstances, do you think it is a reasonable proposition now, and will be accepted, in the first place by the English people, and in the second place by the world at large, that a union which has lasted for 262 years should be dissolved because on one occasion, and perhaps for accidental reasons, a vote which could be as low as four per cent. of the total electorate favoured a particular party? May I have an answer to that and not about 1707?—(*Dr. McIntyre*): I suggest to you that the union should be dissolved, and the main reason for that is that if it is not dissolved, then Scotland will be dissolved. That is our point of view. You are suggesting, are you not, when you say that if there was a vote against us at a General Election we should accept that . . .

581. Forgive me, I was not suggesting anything; I was asking.—You were asking why we would not accept that, which is the same proposition as saying why, when the Tories get in, the Labour Party does not pack up and go, why it holds on to what it wants to get at future elections. This was the proposition you put.

582. The point I am getting at is this, is this not a matter of such importance that it should require more than a single vote on one occasion? The British political tradition is that in a constitutional matter of considerably lesser importance, two special General Elections in succession were held on the question of overruling the House of Lords, which, surely is a lesser question than dissolving the union. Do you think it is right to ask the population of the United Kingdom to take such a far-reaching, and very largely irreversible, step on the result of one single general election?—(*Professor MacGibbon*): May I give an answer to the preceding question about the union which had existed for a quarter of a millennium. You asked whether, in unusual circumstances—and you did load it slightly by saying perhaps for accidental reasons and by a very small proportion of the total population—a decision of that importance should be taken. I should have thought that any political party was entitled simply to make use of the existing machinery of the ballot box, and the answer to your question, very simply, is "Yes". But it does of course depend on the quality of life in the country concerned during that

quarter of a millennium, it is not simply a snap decision taken at one particular time. This would be a decision taken as the culmination of many, many years, certainly as long as I have been politically conscious, of a steady decline in the prospects and the economic wealth and health of Scotland. After decades of realising that one possible reason for this is the stranglehold, the dead hand of a very distant bureaucracy stifling what talent and initiative lies in this country, it may well be that it is perfectly fair to answer a simple "Yes" to the question you put.

583. I hope that you will be putting evidence before us which will support some of the assertions you have been making.—(Mr. Rankin): At the time of the Balfour Commission in 1952 the Secretary of State, Mr. Stuart, suggested that questions of legislative devolution were matters not for a Royal Commission but for Parliament alone. Of course the fact of the matter is that when it does seem that we will have some parliamentary and political success it becomes a matter for a Commission. But note that at least in 1952 it was considered that the parliament of the day with its purely temporary make-up, could make a once-for-all decision. Your reference to the question of House of Lords reform does not, I think hold water. There has been an attempt to reform the House of Lords. But looking at it from a realistic point of view, it is quite reasonable for the National Party to say, on the basis of a single election, that the Scottish people, after all the campaigning over 40 years, can make this kind of decision.

584. The campaigning of 40 years. How many candidates did you put up at the last election?—(Mr. Macdonald): Twenty-three.

585. And at the election before that?—Fifteen.

586. And the election before that?—Five.

587. Can it really be said that the Scottish nation has had repeated opportunities of expressing itself on this subject, particularly since only two out of all those candidates got elected?—Surely the essence of this has been the growth of the political party over the years, and there have been signs of support for the idea of self-government, a massive number of signatures for the Covenant, before the growth of the political organisation of the Scottish National Party. But the number of candidates we have been putting up at

General Elections has been multiplying at a rapid rate, our organisation has been growing and this has reflected the growing support of the Scottish people for getting a Scottish government by winning a General Election with the Scottish National Party. This is why one cannot say that the next General Election we win is a once-and-for-all: it is the culmination of a long period of realisation that this is the only way.

588. Lord Kilbrandon: I do not think this is altogether helpful. We are speculating about what might or might not happen in certain events which may or may not occur. I take it from what you have said that, if the Scottish National Party does not obtain a majority in the next election, it will continue its campaign?—(Dr. McIntyre): That is right.

589. That seems fair enough. If it does obtain a majority, it may be for the government of the day to decide whether that is a sufficient expression of Scottish opinion or not, and it will have to defend its decision. We are here to advise the government of the day on what should be done; assuming there is a demand in Scotland for independence, to consider what measures are the best to recommend; and to try to establish whether there is such a demand. I cannot feel that indulging in hypothetical speculations about what may or may not happen in the future is helping the Commission very much.—I said when this question arose that it was hypothetical, and I also do not think it is helpful.—(Mr. Watt): With all due deference, I think it is relevant, because while there were only 23 candidates at the last election, no cognisance has been taken of the fact that there were a great many spoiled ballot papers with "SNP" on them.

590. As I have said, one of the things that we have to satisfy ourselves on is whether there is a real demand in Scotland for self-government. You are putting certain evidence before us, and no doubt you will put more. But the evidence on which you are going to rely is the result of the next General Election, and I cannot help feeling that it is not our place to speculate on what the Government will do, supposing you get a majority at the next election. They may have a plebiscite, or another election, as they did in 1910, but I do not think this is the place to discuss that.—(Dr. McIntyre): I agree. On the question of evidence of support, as it has come into my hands, a ballot conducted by Marketing Information Services in London, which I understand

is a reputable company, was one of the most statistically valid ever conducted in Scotland. According to its findings, 72 per cent. of those having an opinion were in favour of Scotland having its own taxes and exercising control of how the revenue should be spent. No government has ever accepted that kind of thing; they have always looked at the ballot box. But I think it is relevant here to ask you to note the number of Home Rule Bills laid before the House of Commons between 1889 and 1927, and the number which had an overwhelming majority of Scottish members voting for them.

591. *Chairman*: Perhaps we can pass on to the last subject about which I want to ask questions, which arises from page 2 of your evidence. The second main question is "Why shall that right be asserted?" The answer you give is that the people of Scotland want self-government in order to do a great many things better than they are being done through the paternalistic control of the Westminster Parliament. I will resist asking you why you use the adjective "paternalistic", and simply say that no doubt you will be giving us evidence of what are these great many things and what exactly are the differences between what you would do and what is being done under the present system.—That would not be very difficult to do. It would take a very long time, but we will give you evidence on these lines.

592. That is why I am not proposing to ask you to tell us this afternoon what you would do, because that would be a waste of time. That sort of statement can only be tested by saying what it is you propose to do and why you think it would be better.—We think what we have at present is misgovernment, and that is one reason for self-government, but there is the other aspect: the basic and inherent duty and right of a people to govern themselves in freedom, which is our first assertion.

592A. Later down that page there are some very fine words:

"Scottish traditions, the love of learning, the intense respect for freedom of worship and conscience, the kindness and hospitality, these intangible values which have long been honoured in Scotland, require the focus and the guidance of a democratic parliament in Scotland to ensure the full flowering and fruition of which they are capable."

What meaning are we to attach to those words? What is the connection between a democratic parliament and kindness

and hospitality?—At the present time the Scottish ethos is being destroyed, because we do not have our national institutions through which to express them. One of these is the Scottish parliament. There are cultural agencies, which do not express the Scottish ethos in any way at all, and to that extent they are destructive of the Scottish ethos and of the Scottish people.

593. How do they affect kindness and hospitality? I have always found the greatest kindness and hospitality in Scotland.—(*Mr. Watt*): I can give you one very concrete example. Just the other year in this very city I was one of the members of a Scottish organisation playing host to an international delegation. We were ashamed that we had to serve them up French wine instead of Scots whisky, because the officers of Customs and Excise did not see fit to remove the duty from the whisky which would have been consumed that night. That is a very simple example, I would grant you.

594. Is it not conceivable that a Scottish government, equally jealous for its revenue, might have refused to remit duty relating to one of the largest sources of revenue available to Scotland?—(*Mr. Wilson*): Perhaps I could take a more pertinent example, because it is more recent. I understand that just the other day Mr. Gromyko landed at Prestwick airport, and presented a bottle of vodka to the piper who had greeted him on his arrival. The piper had to hand back the bottle of vodka because he learned that the full duty would be exacted upon it. It was only after much consultation with London that it was eventually decided that duty in this particular case would not have to be paid by the piper, in order to assist this feeling of hospitality, and to allow the Russians to do this on their arrival at this mid-post for refuelling.

595. That is very distressing, but in a similar case, with an independent Scottish government, would there not have had to be consultations with Edinburgh, and might not the same position have been taken up and exactly the same result achieved?—(*Dr. Simpson*): I have another concrete example, and that concerns the use of Prestwick airport by BOAC for flight training there for their Jumbo jets. This was a contract worth, I think, more than £2 million to Prestwick airport, and one which would also have brought a considerable amount of business to the area. The contract instead went to the Government of the Irish Republic because it was wise enough to remit the fuel duties



which were payable. This was, I think, a similar classic example of bad government.

596. Yes, but what you are implying is that it is self-evident that a Scottish government would have behaved more sensibly. I am afraid that all governments sometimes behave sensibly and sometimes behave idiotically, and I do not know why you assert that in either of these instances you could absolutely rely on the decision having been different.—Prestwick is only about 40 miles from Edinburgh and approximately 400 miles from London; had such a decision been taken in Edinburgh, the people of Prestwick would not have been long in correcting the matter.—(Dr. McIntyre): I think it is quite clear that the Irish Government took the right decision in this matter.

597. My point in raising these matters is to ask you whether you really think we should take this rhetoric seriously?—That is up to the Commission.

598. Lower down the page you say: "Example after example may be quoted to illustrate the need for a Scottish parliament." When one reads a statement like that, one naturally reads on eagerly to find the examples. There are not any. In fact the first time in your evidence after that when one comes across a specific example is on page 9, and I will read it:

"Scotland has been separated and isolated from her traditional relations with the rest of the world since the enactment of the incorporating union with England. It is symptomatic of this isolation that a Scot cannot board an aeroplane in our capital city and fly direct to any country outside the British Isles."

Now you agreed some time ago that the status of Australia would be satisfactory to you. Can you tell me how many non-Australian cities you can fly to direct from Canberra?—(Dr. Simpson): With all respect, I think it is hardly a relevant comparison, since obviously geography enters into it. I would have thought a more appropriate comparison was with Dublin, the capital of the Irish Republic, which stands in many respects in the same relation to London as does Edinburgh. From Dublin there is a very well developed network of services not only across the Atlantic but also to every capital city and many other cities in Europe.

599. You have said it is a matter of geography, and I would accept that, but this is being put forward as a political grievance; if this is a source of complaint in Scotland, why not in Australia?—

(Mr. Macdonald): If you are looking for a number of specific examples in Scotland...

600. I am sorry, I am asking about this one. I did not bring it up, it is in your evidence.—That is perfectly true. I think one can, however, take many examples, and one can always say: "It does not happen somewhere else." The trouble is that in Scotland there are more cases where it does not happen than there are of it not happening anywhere else.

601. Forgive me, this is the only example you give us, and I must ask you, are we to take this seriously?—(Dr. Simpson): If I understand your question correctly, may I answer it by putting to you another question, which is: Why should it be possible to fly from Dublin to capital cities of every European country, and not from Edinburgh?

602. I presume, because there is a demand for it.—And do you think, with respect, sir, that there is not an equal demand from Scotland?

603. I simply do not know.—May I follow that up by pointing out that the population of Scotland is approximately 5 million people, of whom 70 per cent. live in the central belt, that is to say, within driving distance of a single airport. Their average income is double that of the Irish Republic. If the Irish Republic, with a population of 2·8 million people and an average income half as high as ours, can afford to operate a highly successful transportation system which connects it with every country in Europe and in America, is there any reason why we should not?

604. Lord Kilbrandon: A much worse grievance stems from the fact that on many days you cannot fly from Edinburgh to anywhere.—The weather is one of the few things which we cannot change after independence.

605. Professor Robertson: With respect to Dr. Simpson, the problem with Edinburgh airport as I understand it is something to do with the Corporation of Edinburgh and the debate about what to do in developing Turnhouse. While I would be prepared to accept that Edinburgh is the capital city of Scotland, the most important city is Glasgow. You can fly from there to the Continent, so I am not quite sure that this example takes us very far.

606. Chairman: I am not a bit concerned to go into the reasons why, I am only saying that when this is picked out as one of the very few examples of a Scottish grievance, are we really to take it seriously?



—If I may first of all answer Professor Robertson's point, it is perfectly true that Glasgow is the main population centre, but I am sure he would agree that Glasgow's connections with the Continent are also inadequate. If I may then come to your main point, I think you said earlier that you wished that matters of detail should be submitted in a written statement later. It was precisely for this reason that this statement which you now criticise is extremely general, but we should be perfectly happy to submit an extremely detailed submission. I would suggest, however, that before reading this you might turn to a contribution by the Scottish Council, which is not in any way an organ of the Scottish National Party, entitled "Centralisation". That document's extremely clearly the results of the consequences of the Union, and this is a document which was put together by a group of extremely hard-headed businessmen.

607. Would I be right in interpreting that attempt to slide off on to other matters as meaning that on reconsideration you regret that this instance was picked out?

—(Dr. McIntyre): Certainly not. Anyone knowing the history of aviation in Scotland from 1945 onwards knows that it has been deliberate Government policy not to encourage separate airlines in Scotland, and not to encourage Prestwick airport, which was the airport which should have expanded at that time. This was deliberate policy, and fairly recently the Government even cut down the number of flights which Scandinavian Airlines System were allowed to fly, with the consequence that it became uneconomic for SAS to continue its flights, and BEA and BOAC did not fill that gap at that time.

608. May I suggest that on reconsideration you will think the matter ought to be decided on more fundamental matters than these trivia?—What should be decided?

609. The question of independence for Scotland.—It is not a trivial thing when the whole industrial and economic life is at stake. Here was the beginning of a very flourishing aircraft industry at Prestwick, which was smashed by Government policy, by the centralisers in London who did not want to see this development.

610. You keep sliding off on to a different point.—I am afraid we shall have to differ about what is sliding off and what is sliding on.

611. But you will be prepared to give us evidence about grievances which are more solid than this one about Edinburgh

airport?—This grievance about Edinburgh airport is a very solid grievance. But I would put it to you that we are not people who like talking about grievances. We are not grouchers and we want Scotland not to become a nation of grouchers, where we have to trail every grievance around to commission after commission. This is not what we are here for; quite the contrary, we are here to assert that Scotland requires her own freedom and her own independence, in which state we hope there will be very little need to grouse.—(Mr. Watt): Might I suggest that the mass of trivia to which you refer, when added up, comes to a very large part of the life of the people of Scotland. There are many instances, and every night of the week there are S.N.P. candidates all over Scotland talking at very great length on just those points that you choose to call trivial.

612. Lord Kilbrandon: It would be most helpful for us, I think, if we could get this in detail. I understand that your memorandum was, naturally, produced in a hurry, and that further details will be coming later. It is most important that we should have an orderly statement of these matters, and then we would give you ample opportunity to discuss them with us. I think discussing grievances in general is probably not as helpful as discussing them in detail.—(Dr. McIntyre): I quite agree. We had of course cognisance of the fact that we had given evidence to a previous commission, and I thought that would have been before you. You will find in that evidence various things such as the Chairman was asking about.—(Mr. Wilson): There is a point of information here, that a number of us have in fact come along with memoranda on various grievances, which could be utilised if the Commission decided, but I would agree that it would be better to have these in writing and to confine ourselves now to the principles at stake. Might I just point out that some of the general statements which are made from page 8 onwards deal with economic policy on a broad basis, and are possibly capable of discussion with the Commission at this stage, leaving the minutiae for discussion on some future occasion.

613. Chairman: Yes, I think the nearer one gets to specific and detailed matters of policy, the more essential it is to have evidence in writing first; otherwise there are obvious dangers of arguing on completely false premises or at odds. I think we must leave it to you to decide what evidence you wish to put in. We will be glad to consider anything that you do put in.

614. *Professor Robertson*: If it were your intention to put in evidence on airport policy, it would be very helpful to have your projections of demand at the various airports; and also, in relation to the discussion about Prestwick and Jumbo jets, to take up the relative merits of jobs and amenity, because it does seem to me that this is rather a complicated matter where the issue is not entirely one-sided in favour of Prestwick. As to the history of the operation of the airlines at Prestwick, it would be helpful to know on whose initiative K.L.M., for example, decided what they were going to do.—(*Professor MacGibbon*): Reverting to the question in general terms about what could be done better if we governed ourselves, I think, if I may indulge in a generality, that the motives behind much of this movement for independence are related in the first place to the possibility of working out a system of government in what would be a small State. If one believes that all is well with the present system, complacency can go no further, but this seems to me a splendid opportunity for a new twentieth century method of democratic government to be worked out and put into practice. That is internally. Internationally, I hold no great brief for the way the United Kingdom has behaved as a member of the United Nations, or indeed as a member of the Council of Europe, I would think that the Scottish tradition of internationalism would allow again an experiment in internationalism by a separate independent State of Scotland, acting I would hope on principle and not for reasons of expediency, not being unprincipled and pusillanimous and two-faced, as I think the Government of the United Kingdom has so often been since the war, but putting our principles into practice. Internationally it would be the first time it had happened in the context of this island. Those are two reasons, one internal and one external, why the younger people would, I think, look forward to this kind of experiment, which I would have thought has been needed for a long, long time.

615. My only point on that is to say that I do not think it gets us any further to have competition of adjectives, where one set of actions is described as paternalistic and pusillanimous, and another as idealistic and effective. The only way one can settle this is by getting down to cases and seeing exactly what it is which is proposed.—We shall be pleased to include this as part of our later submission in detail.

616. *Professor Newark*: Assuming you get your majority at a future general election, get no change out of the Government in London, and decide to go it alone, is the underlying political theory that that would be the termination of the Union; and that the Scottish Parliament as it existed at the beginning of the eighteenth century was revived?—I thought I made it clear that we were hoping by experiment to reach a method of democratic government, suitable for this day and age and for the future, and not necessarily to look back and adopt patterns from the past.

617. The Scottish peers do not get a look in, then?—I do not see why they should, do you?

618. I was merely enquiring whether it was the political theory that the old Scottish Parliament was revived.—(*Dr. McIntyre*): I think since then you will find that Scotland has in many ways led the world in many democratic ideas, and I hope Scotland would benefit from what she has done and helped people to do.

619. Does the Queen take her place in this new system?—Yes.

620. Who tenders the advice to the Queen in this matter?—A Scottish Privy Council.

621. If there were advice to the Queen from the English Government that the Queen should take no part, would Scotland's loyalty to the Crown not then be destroyed?—(*Professor MacGibbon*): Does this not happen within the Commonwealth, as it is? Whether in Canada, Australia, or this country, the same advice is not always tendered to the Queen unanimously.

622. But there is not a sharp disruption in those cases.—What about South Africa, which after all is out.

623. I am assuming your U.D.I. I think I have got my answer, thank you very much.

624. *Mr. Maitland Mackie*: Could we move on to something which must worry a great many people. Assuming that the will of the Scottish people were for self-government and that they had achieved this, although you say they wish to avoid a Customs barrier between Scotland and England, are you in fact prepared to face this if it were required under a system of Scottish government?—(*Mr. Donaldson*): I would think it would be a very unfortunate thing indeed, although it is possible, if the Government of England decided to destroy a Customs union which is already in existence at the same time as they were

attempting to enter into another one. The two actions would be quite illogical and incompatible. But if the people of Scotland are to be faced by an attempt to dragoon them or to blackmail them, then I think the people of Scotland will face up to that question and answer it—just as they have had to do in the past—and that the members of this Commission who are Scots would also be with us in those circumstances.

625. *Chairman*: I do not think one needs to assume that there would be any question of blackmail. You say in your evidence, in particular reference to the Common Market, that this is a matter which Scotland should decide for herself. Therefore it does not take very much imagination to assume that there might be a position in which England had entered the Common Market and Scotland had not. It would not then be a matter of blackmail, it would be a matter of compulsion to create a Customs barrier.—That is true, but the probabilities of England entering into the Common Market alone are even less than those of her setting up a Customs barrier against Scotland. I think we have a better position with the Customs union we already have than with one which we may never get into. But if you are in any doubt as to whether a Customs barrier would be set up, I would suggest to any of you who have the opportunity of living in a Scottish home that you go into the kitchen tonight and have a look at where the goods in that kitchen come from. England would suffer every bit as much by the setting up of a Customs barrier as would Scotland.

626. *Lord Kilbrandon*: Do you envisage something like the Benelux set-up?—Yes.

627. *Chairman*: But you do accept that it would be impossible with one member in and another member out of the Common Market?—I think that is probably so; I cannot see how it could be otherwise, because the Common Market after all is not a free trade area, it is an area with high Customs barriers around it. I think perhaps Scotland itself, if it were willing to do so unilaterally, might be a much more welcome member of the Common Market than England; it does not look as if they are very anxious to get England in at the present moment.—(*Dr. Simpson*): I think this question of Customs barriers tends to be something of a bogey. I remember, when the initial application was made for the entry of the United Kingdom to the European Economic Community, one of the arguments was that to be left

out would mean the isolating of the United Kingdom, outside a large European trading bloc, which would inevitably mean a decline in its trade with Europe and therefore damage to the United Kingdom. In the event, the experience of the last ten years, during which the E.E.C. has been established, has been that trade with the Common Market has been growing very rapidly, much more rapidly than would have been anticipated even without any of these changes. And even if it were the case that Scotland were to stay outside and England were to join, I cannot see that this is something which is to be regarded as unthinkable. I would have thought a close parallel is the example of New Zealand, a country even smaller than Scotland which is dependent on England for her markets to an extent greater than Scotland. She has been able, in advance of the imminent entry of the United Kingdom into E.E.C., to diversify her trade as a precautionary measure to diminish the adjustments which will be necessary. Therefore, although undoubtedly it is the case that one would have to think seriously about negotiations with the Common Market, the idea that there should be a Customs barrier is not altogether unthinkable.

628. I think this is a perfect example of a matter which it is difficult to pursue in any greater detail without a document. I was concerned only to make the point that, in circumstances which are easily conceivable, the erection of a Customs barrier might not arise out of a desire for blackmail at all, but for quite different reasons.—The position of Scotland is not unique in this. The position of Norway and Sweden, who are at this moment in a Customs union with Denmark, would be a very similar one.

629. *Lord Foot*: I would like to go back if I may to the question we were talking about, how the will of the Scottish people in this matter can be properly demonstrated. As I understand it the previous position of the Scottish National Party had been that they thought this matter could properly be decided by a plebiscite or referendum; and that they had parted from that situation when the British Government, or the two major political parties, successively said they did not think that a plebiscite was appropriate, and that this matter ought to be settled through the ballot box. If I understood Dr. McIntyre aright, it was then that the Scottish National Party said: "All right, we will accept your terms, we will accept your method of decision," and that is the reason why you

are taking the stand now that, if you can secure a majority of the elected members in any general election, that is a clear demonstration of the Scottish will. May I ask, first of all, whether I am right in thinking that, as a matter of fact, the previous position of your party was that this matter could be properly settled by a plebiscite?

—(*Dr. McIntyre*): No. The position of the Scottish National Party has always been as it is. It has always been realistic in that it has never considered that a British Government would run a plebiscite in Scotland on this issue, because the British Government would be afraid of the result. This has been the view which we have taken, and history has justified this view. Other movements and other bodies in Scotland have pressed from time to time for a plebiscite. Whilst being realistic, we have also asked the last few Prime Ministers, from Sir Winston Churchill onwards—just to get it on the record—to take a plebiscite, and, in refusing, they put it on record that this matter must be decided by the ballot box. Our view is that this means that it has taken longer to come to the point we are at today, when we anticipate that it is now inevitable that there will be a Scottish government. It has on the other hand had certain advantages in making the Scottish people more aware of their own position, and therefore in a better situation when we do get self-government to run the country in an intelligent fashion.

630. Would you assume for the moment that there may be some people—I might be among them—who think that, in refusing to allow this matter to be settled by plebiscite, a mistake has been made, and that, if the British Government or the main political parties could be persuaded to change their minds, possibly as a result of a recommendation by this Commission, the matter could be more appropriately settled by way of a plebiscite than by the ballot box—and I think it will be agreed, without entering into any sort of debate about it, that the method of the ballot box is ambiguous or may be ambiguous. In that case would the Scottish National Party be prepared to revert to agreeing to this matter being decided by the method of a plebiscite?—It would not be a matter in those circumstances of the Scottish National Party agreeing or not agreeing. From previous experience of the British Government, they would say “That is that”. We would be very suspicious of the terms in which the plebiscite was drafted. If they did it in agreement with us, that would be another matter.—(*Professor MacGibbon*):

Would this be the only plebiscite which the British Government would hold, or would it then go for plebiscites on other matters?

631. I would have thought that this question of breaking the union was a matter that was so different from the ordinary political decisions which have to be made in the course of government that the method of the referendum might be justified here where it would not be justified as an ordinary piece of machinery of government.—I think that there are a lot of matters decided on the ballot box basis which are just as important, though perhaps not quite so dramatic, as the one we are speaking to. I do not think a single plebiscite would be reasonable if plebiscites were not going to be adopted generally, and in the present context I do not think they should be. It is very difficult indeed to draw the line.

632. Would you agree that the method of the plebiscite may be very appropriate on the particular question of ascertaining the will of a people as to what they want their future to be? I would quote the example of Gibraltar.—Yes, but the will of a people as to what they want their future to be is one aspect of it, but the same applies in many other things. How many other questions could not be put in the same kind of framework with a demand for a plebiscite; for example, should taxation be increased—you know what the answer to a plebiscite on that would be.—(*Dr. McIntyre*): If a plebiscite is fairly worded we will get a fair result of what people think, and I think this is a just point of view. It is because of our political realism that we have not wasted time chasing plebiscite after plebiscite. We are well aware of the attitude of the British Government to these things, and this is why we have not done it. I have said how we have warned them that, if they did not take a plebiscite, they would have to stand by what Lord Foot considers to be one of their mistakes.

633. I was trying to be helpful to you. Do you not consider it possible that, even though you become numerically the largest party in Scotland in any given general election, because the attention of the people may be diverted from the issue of independence and they may have a lot of other things upon which they want to pronounce, that you may miss your absolute majority of seats, not because you have not got a majority of the people, as you could get in a plebiscite, but because of the way the electoral machine operates?—This is very true and this is exactly what has happened to the National Party in contesting elections,

that other issues have come up and been presented to the people; and people have voted Labour or Tory, as they decided, on other issues, even though they were supporting our main issue. This has been the case in the past.

634. That is why I am surprised that you are not attracted back to the idea of a plebiscite.—(*Dr. Simpson*): During the last 50 years the issue of self-government has recurred throughout Scottish political history. It began with the Home Rule Bills before the first world war, and was taken up by the Labour Party, and then the Scottish Covenant 1949/50. I think that the people of Scotland would have been very happy to accept a plebiscite, and the whole idea was geared to obtaining that. More recently Mr. James Davidson put forward a Bill in the House of Commons on these grounds. But plebiscites have been refused and you must excuse us for feeling a bit cynical. A plebiscite was held in Gibraltar where we all knew what the outcome would be. If you say British diplomacy has changed, then do you suppose the British Government will hold a plebiscite on the Common Market before the next General Election, because if it does not, I suggest that the United Kingdom will accede to the Common Market, which will mean a change equally important to the citizens of the United Kingdom, without the people having been consulted at all.

635. *Lord Kilbrandon*: It might be an injustice to suppose that the refusal of a plebiscite was for some sinister reason. Not everybody is sold on plebiscites because it all depends on the questions asked. It is not like the Swiss, who have a referendum on the question of whether women should have the vote—anybody can answer that—it all depends in what terms you put it to the electorate. Supposing the Government after careful enquiry were satisfied that independence for Scotland was going to mean a drastic reduction in the social services—I do not say that is true—whatever the plebiscite answer was the Government might take the view that it would be irresponsible to confer independence, knowing that the material consequences would be disastrous. This is speculation, it is an illustration of what is to some extent the political undesirability of the plebiscite in a complex matter.—I think your question does reflect more upon the nature of the questioner than the objective substance of the questions. Since the second world war Britain has granted independence to perhaps 20 countries, some as small and poor as

Gambia. I do not remember that the question of the material standard of living of the Gambians was a subject of enquiry, or that the fact that the standard of living of Gambia might suffer was a reason for withholding independence. If you are suggesting that the material prospects of Scotland are equal to those of Gambia, I suggest this is entering the realms of fantasy.

636. I am not suggesting that, but I am suggesting that it would be irresponsible for a government to overlook such aspects as the material consequences of independence. Let us assume that 95 per cent. of the people demand independence, how will we find out if 95 per cent. or even 20 per cent. want independence, if independence will mean a drastic reduction in the social services? Are we to take a Gambian view and say that good government is no substitute for self-government? This is philosophically true, but are people in the street going to stand for it?—If one looks at the experience since the second world war of those countries about which we have information concerning their standard of living over a period of time following their accession to independence, one finds that, of twenty countries with continuous records of national income per head, eighteen have experienced a sustained rise in their standard of living since independence, one (Morocco) has stagnated, and one (Indonesia) has had a prolonged fall. I know you say that yours is a conjecture, but you would not have made this conjecture unless it was a doubt in your mind. Any such doubts are nothing more nor less than fantasy.

637. We cannot conduct an argument on this basis because you are refusing to accept my hypothesis. I am not saying that I am right. Let us assume that I am absolutely wrong. What we all want to know is, supposing that there is this threat to material prosperity, are people still of one mind with you that they want independence? I do not know. You may be able to answer that.—(*Professor MacGibbon*): Did you not answer it yourself when you said that good government is no substitute for self-government?

638. I said that is a 19th century concept, and I do not know whether the man-in-the-street accepts it. You and I accept it because we are philosophers, but I do not know whether the woman in the High Street with her shopping basket accepts it.

639. *Mr. Donnet*: With a large section of the industrial community in Scotland



this is the very issue that they want to pursue. Do you talk here about objectives of security, of employment and standard of living, in a manner in which we can reach a conclusion; or is this a subject reserved for questioning as a result of further documentation to be put in to the secretariat?

640. *Chairman*: It seems to me that the subject of whether independence for Scotland would result in a lowering of the standard of living cannot be discussed this afternoon, but the subject that was being discussed was whether a plebiscite was a proper way of deciding the matter, and that is something which I think can be discussed this afternoon.—*(Mr. Wilson)*: May I say that one of our principal contentions is that self-government will be good government. If it is accepted that we will be arguing those points later on, that can be done when we submit the detailed evidence. If you want us to expand on this subject now, we will be very happy to do so.

641. I think that the answer to Lord Foot's point is that, whatever may have been your view in the past, you now do not favour a plebiscite as a method of deciding it?—*(Dr. McIntyre)*: I did not say that. I gave the reasons why we were going for the ballot box. I did not say we would not accept the idea of a plebiscite. I said we would consider this, if it was a negotiated affair and we were sure that the terms in which the questions were asked were fair. If that is so, we would certainly accept a plebiscite. But we do not believe that the British Government will give us a plebiscite, for very obvious reasons.

642. *Professor Robertson*: May I turn to the question of the evidence that we are still to have? I would not want to discuss its merits, but merely its possible content. It is very difficult to talk about anything economic without getting the assumptions clarified.

On page 5 of your evidence you say:

"It is our intention that the government of Scotland should endeavour to secure agreement with the governments of the other nations of the British Isles to allow goods and persons to move freely within these islands without let or hindrance."

That means an assumption of free movement of capital, labour, goods, and also services, does it?—*(Dr. Simpson)*: Yes.

643. Then you go on to suggest as your main intention that there would be no Customs barriers or similar obstacles,

though a little later you envisage the possibility that you might have to introduce some controls. It would be extremely helpful if, in presenting your evidence on what you think might be the outcome of a change in the governmental arrangements, you would observe these assumptions very clearly and carefully and present us with two separate sets for discussion, the first assuming no Customs barriers (arguing it on the grounds that it might be thought that was a probable assumption) and the second assuming that some controls might have to be introduced. And again if I may set a framework which would at least help me, in response to an earlier question by the Chairman, you said Australia was a good example of the sort of thing you had in mind and Northern Ireland was not. I would find it helpful if one could be absolutely specific and spell out where defence responsibility would rest, and so on, so that as soon as possible we can get out of the habit of speaking by analogy. I find myself in a difficulty in discussing Scotland and Gambia in the same breath, and I do not think that it is very fruitful to do so. We have been told that there has been a decline in prospects in Scotland. Whether that is or is not true, it would be important to show in your evidence the extent to which a decline in prospects was attributed to the character of the Scottish economy and, *per contra*, the extent to which it was attributed to the character of the Scottish government of the time. These are quite clearly separate matters and one would want to hear, as we have heard from the Scottish Office, the extent to which policy by the Westminster Government and St. Andrew's House has in your view helped or hindered. It would also be important for you to state the extent to which and the manner in which you feel you could have put in better policies. Is all this possible? It seems to me very important.—It is possible, and I agree that it is very important.

644. My feeling is that one has been—and the Chairman said this—trying to talk in a terribly general way about matters that require precision. What I am saying is that when we meet again, as no doubt we shall, and you say "Here is our detailed statement", we shall be saying, "What assumptions are you founding this on?". If you put in the assumptions in advance, our discussion will be more fruitful.

The most important point I am making is that in the former case—concerning the movement of goods, persons, etc.—you



should set out the assumptions which you make, and in the latter case—concerning Scotland's economic prospects—the distinction between that which has been happening in Scotland for broad economic reasons, with which we are all familiar, and that which has been happening as a result of policy, and of course going on to say what you think you could have done about that policy.—(Mr. Watt): Do we understand you aright? Do you mean that the Commission will take it upon itself to answer and be responsible for all the misgovernment of the past...

645. Mr. Watt, you did yourself offer—and this is why I presumed to make some suggestions—to document all these matters. I am saying that I would find it easier if you documented them in this way. I think Dr. Simpson will readily understand why I make the point in this form.—But would it not be better to discuss the cumulative effects of all the misgovernment we have had in Scotland, and how we can rectify it?

646. In detail yes, but in generalities no.

647. *Chairman*: Let me make it clear to you that we are not attempting to indicate what evidence you should give us. Professor Robertson was only indicating what would be most helpful to us.

648. *Mrs. Trenaman*: May I add to the list the further questions, which will, I trust, also appear in the record if our witnesses think them worth pursuing? One that interests me particularly is the reconciliation of the desire to have free movement with independent management of the economy. This arises, I suggest, quite separately from any questions about the Common Market; it could arise if neither England nor Scotland went into it. One needs to know how far it is compatible with complete freedom of movement to have credit policies which are quite dissimilar in these two adjacent territories, given the degree of mixing up of industrial firms that now exists. The second is quite a different point and arises out of an earlier answer about the form of parliament which, assuming independent government for Scotland, our witnesses would wish to see succeeding the present one. We were told, not to my surprise, that the parliament which preceded 1707 would not be the model, and that the opportunity would be taken for at least some measure of innovation. I think I am right in saying that there is not anything descriptive on this subject in the evidence that we have had so far. I assume that, if the Scottish National Party were going to the country

on a mandate which would include not merely an independent government but a different form of government from that which exists in the United Kingdom now, this would be specified. May I suggest that, if our witnesses' thoughts on these matters are entirely clear, we might be given in writing a specification?—(Dr. Simpson): Perhaps I could answer Mrs. Trenaman's first question—although I would be happy of course to put in an answer in writing in greater detail—along with those to Professor Robertson's questions—by reminding her that the Bank of England is presently empowered to have discretionary policies towards bank lending in different regions of the United Kingdom. In fact it uses those powers with regard to Northern Ireland, so I would not think any change would be required in the existing constitutional framework to have differences in credit policies, and at the same time having free movement of capital.

649. *Chairman*: I think it would be a mistake to debate the question now. What Mrs. Trenaman was asking was that you should give us evidence on this which we can debate on a future occasion.

650. *Professor Robertson*: Could I add one other thing: the phrase "London control" appears in the last paragraph of your paper. I can think of three possible meanings—there may be more—which you might attach to this: political control of a government, that is politicians, at Westminster; secondly, administrative control from the South—I think one has to say from the South, because, as we were told this morning, the Department of Social Security is really in Newcastle, and so on—and thirdly, the location of head offices of companies and that subject area. If you feel you want to develop that point, it would seem to me most important to say to what extent you take the view that the problem arises wholly out of the location of political power, and to make observations on the administrative devolution, of which we have been hearing in the last two days from the Scottish Office, from which we would gather that a fairly substantial quantity of control is in fact Edinburgh control, in that second, administrative sense. Again, assuming you were thinking of telling us of these matters definitional distinctions of this sort would clarify the issues.—(Mr. Donaldson): Just to elucidate what you really want, is it your desire that we should tell you in some measure of detail the constitution which we are contemplating having in Scotland, the basis upon which we would establish our parliament, the

way in which we would set up the controls within that parliament, the basis of voting, things of this sort? Is this what you want?

651. *Chairman*: My understanding was that that was what Mrs. Trenaman was asking for.

652. *Mrs. Trenaman*: Perhaps I could just say by way of footnote that, when I was speaking of credit policies, I did not mean to limit my question narrowly to bank lending. I was thinking of a differential taxation system, differential bank rate, and so on, and if I gave a narrow instance I am sure it will be understood more widely.—(*Mr. Wilson*): To what extent are members of the Commission aware of the Scottish National Party policy? We had some information from Wales to the effect that you were very conversant with details of Plaid Cymru's policy, and we were following the same notion. We have reams of paper which we can give you.

653. *Chairman*: I think the only correct formal answer to that is that the Commission as a body is cognisant only of matters which have been put before it. That is not of course in reality strictly true, but I think in any case of doubt you ought to assume ignorance rather than knowledge.—Yes. We were not aware for instance whether you had received or purchased a general statement of party policy?

654. No.—Obviously we shall have to put that to rights.

655. One can hardly be a newspaper reader in this country without having some idea of what the party is standing for, but I think so far as any precision is concerned you will be much safer to assume that we start with a blank sheet. Are there any further questions?

656. *Sir Ben Bowen Thomas*: Might I put a question on page 6? You referred

to the number of Scotsmen who are abroad, the diaspora as I may call them. To what extent does the diaspora share the interest in the development of the Scottish National Party, in particular to what extent are they concerned about the rehabilitation of the Scottish economy, if you think that is necessary? Have you got any Wolfsons ready to do for you what is being done in Israel? To what extent are Scots people outside Scotland manifesting a concern for the life of Scotland, which obviously is of such great interest to you?—(*Mr. Donaldson*): That is an extremely difficult question to answer, as you might well know, for the very good reason that the Scot abroad is not organised after he goes abroad in the way in which so many other nationalities are. The Irish, for example, who went to America, never ceased to be Irish in an external political sense, although they became very good citizens of America.

657. I had a very good Burns night in Montevideo many years ago.—But a Burns night is not the same thing. You can be a very good supporter of Burns and be completely unpolitical; in fact sometimes you are better to be.

658. *Chairman*: I think we have gone as far this afternoon as it is useful to go, now. I would like to say two things in conclusion: first of all, we are grateful to you for so many of you coming to appear before us; and secondly, to repeat what I said at the start, that we have not even formed provisional conclusions on any of these matters, and any inference in the questioning which might be read to the contrary is incorrect.—(*Dr. McIntyre*): Thank you very much, Chairman. We look forward to providing you with some more memoranda, and we hope that that will allow you to make up your minds in the best way possible from our direction.

(*The witnesses withdrew.*)

**MINUTES OF EVIDENCE**  
**TAKEN BEFORE THE**  
**COMMISSION ON THE CONSTITUTION**

Sitting in Edinburgh on Friday, 21st November, 1969

*Present:*

THE HON. LORD KILBRANDON (*in the Chair*)

THE VERY REV. J. B. LONGMUIR, T.D., D.D.

PROFESSOR H. STREET, Ph.D., F.B.A.

PROFESSOR D. J. ROBERTSON

MRS. M. S. TRENAMAN

*Assistant Commissioners*

MR. A. M. DONNET

MR. J. MILLER

MR. A. CRAIG MACDONALD

MR. R. J. GUPPY, C.B. (*Secretary*)

MR. A. H. BISHOP (*Assistant Secretary*)

*Witnesses*

MR. H. WHITBY, C.B., *Secretary,*

MR. A. J. AGLIN, C.B., *Fisheries Secretary,*

on behalf of the Department of Agriculture and Fisheries for Scotland.

MR. N. W. GRAHAM, C.B., *Secretary,*

MR. I. M. ROBERTSON, M.V.O., *Under-Secretary,*

MR. J. BENNETT, M.B.E., *H.M. Senior Chief Inspector of Schools,*

on behalf of the Scottish Education Department.

[A Summary of the functions of the Department of Agriculture and Fisheries for Scotland is given in Part II of the Memorandum by the Scottish Office.]

659. *Chairman*: Today we come to the conclusion for the time being of the evidence from the Secretary of State's Departments. We have with us this morning first the representatives of the Department of Agriculture & Fisheries. Mr. Whitby, before we begin the questioning, would you like to enlarge in any way on the written evidence you have submitted?—(*Mr. Whitby*): Not at this stage, sir.

660. And Mr. Aglen?—(*Mr. Aglen*): No, sir.

661. Do you have separate functions—agriculture on one side and fisheries on the other—or are you both dealing with both subjects?—Mr. Whitby is my boss. I think that is the simplest way of answering that.

662. There are some functions connected with agriculture which are administered not by your Department, Mr. Whitby, but by the Ministry of Agriculture?—(*Mr. Whitby*): The only function which is administered by the Minister of Agriculture on behalf of the Secretary of State is in the case of epidemic diseases under the Animal Health arrangements, and even there the Secretary of State is jointly responsible for policy. Following the recommendation of the Report in 1954 of the Royal Commission on Scottish Affairs to the effect that the Secretary of State should take over entirely the Animal Health function, the government of the day agreed, apart from the operational arrangements for the epidemic diseases—chiefly foot and mouth disease and swine fever. That is the position today.

663. Is it felt that this is something which must be administered on a United Kingdom basis?—This was the view at the time. It was felt that in view of the likelihood of the rapid spread of epidemic diseases, the arrangements should be, as it were, on a fire brigade basis, under centralised control.

664. In virtue of our having a land frontier, is that the reason?—That is right. There is the ancillary and readily understandable point, that the arrangements are regarded as more suitable by the veterinary staff concerned than if the State Veterinary Service were divided between Scotland and England and Wales. The main point, however, at the time was the desirability in the case of epidemic diseases

of operational arrangements being under central control.

665. The corresponding office in England is the office of the Minister of Agriculture, Fisheries & Food. Does that mean that the Ministry has some functions in the food sector which you do not have in your office?—The position in the food sector is that under the Transfer of Functions Order of 1955 the Secretary of State for Scotland is jointly responsible for food matters with the Minister of Agriculture, Fisheries & Food. The *de facto* position however is that, having regard to the food industries in the main being organised on a Great Britain basis, the Minister of Agriculture reports to Parliament on food matters. At the time when food price policy started to be applied, several years ago, having regard again to the fact that the function was regarded as indivisible because of the structure of the food industry, it was agreed that the Minister of Agriculture should also be answerable to Parliament for these matters. Nevertheless, there are one or two aspects, notably the whisky trade, where the Scottish Office is vitally concerned, along with quite a large number of other Departments—not only the Ministry of Agriculture, Fisheries & Food but also such Departments as the Board of Trade and Customs and Excise. There we have got special arrangements under which we meet other Departments concerned with the whisky trade, and we also participate in discussions with the whisky industry. These arrangements are relatively new, but it does mean that in respect of this rather vital Scottish product the Scottish Office is fully in the picture.

666. There are two services connected with agriculture and fisheries which so far as I know are not under your administration. One is fishery protection; is that your responsibility?—(*Mr. Aglen*): The general position is that the Navy is responsible for fisheries protection throughout the United Kingdom, but we have always in addition run our own fishery protection service, which the Ministry of Agriculture and Fisheries does not do. We have a special fishery protection service in Scotland supplementing the naval protection services.

667. And that is run by the Scottish Home & Health Department, is it?—No, it is run by our Department although formerly by the Scottish Home Department.

668. The other service about which I wanted to ask you is the Forestry Commission. Most people would think that forestry was a form of agriculture. Why is forestry under a special commission?—(*Mr. Whitby*): I think because of the original constitution in 1919. The forestry Minister so far as Scotland is concerned is the Secretary of State, which ensures that on the vital matter of the relationship of agriculture to forestry in Scotland the policy is centralised in the Secretary of State.

669. And who is the forestry Minister in England?—The Minister of Agriculture, Fisheries & Food.

670. This question relates to the comparison in scale between the fishery operations in England and in Scotland. I notice from a statement of the identifiable public expenditure and central government expenditure in Scotland (with which we were supplied at our last public hearing) that on fisheries the expenditure per capita in Scotland is 9s. 3d., and in England it is only 6d. This is a very remarkable difference, and I wonder if you would care to explain it?—(*Mr. Aglen*): Basically the reason is that the fisheries of Scotland are more important than they are in England, relative to population. As we said in paragraph 2 of our written evidence, the landing value of Scottish fisheries was 37 per cent. of the United Kingdom total, and the population is only about 10 per cent.

671. Then what it means is that fishing is really a major industry in Scotland?—It depends what you mean by major industry, but it certainly is more important relatively, than in England. In 1968 agricultural production was roughly ten times the fisheries production in Scotland; in the rest of the United Kingdom it was more like forty times.

672. The figure for Scottish agricultural support is more than double the English figure. What is agricultural support?—(*Mr. Whitby*): The agricultural support programme covers the deficiency payments and the grants and subsidies to farmers throughout the United Kingdom, and with certain minor exceptions these are on a uniform basis.

673. So the difference in the figures merely means a higher proportion in Scotland are employed in agriculture than in England?—This is so to a small extent. The figures are not widely different. I think there are two main reasons why the figures reveal that a rather higher proportion of the support bill goes to

Scotland than to England. First, there is what is known as a non-review sector, i.e., sectors of agriculture which are outside the support programme. These are mainly in horticulture, which is assisted by other means, principally the tariff. Horticulture is very much more important in England than in Scotland. Horticultural output in England is around the £200 million mark, i.e., not far short of the total gross output of Scottish agriculture. Second, there is special support to the hill and uplands sector, which is included in the agricultural support programme. Here, for reasons which everyone understands—namely, that the hills and uplands are very important in Scotland—which has about half the United Kingdom production from these sectors—Scotland automatically gets roughly half the assistance which is devoted to the hills and uplands. There are a number of other minor reasons, but those are the two main reasons why, if one looks at the distribution of agricultural support, apparently rather more does come to Scotland.

674. *Professor Robertson*: Do you agree that the price review procedures and the whole mechanism of agricultural support have been perhaps the most important factors determining the scale of the development of agriculture in the United Kingdom since the war, and the pattern of that development?—Yes, I would agree.

675. I think you said this is a matter which is reported on to Parliament through the Minister of Agriculture rather than the Secretary of State, is that right?—No, as far as the price review is concerned the report to Parliament comes from the three agricultural Ministers; the Home Secretary is included since he is the caretaker in the British Cabinet for Northern Ireland agriculture.

676. I put it slightly wrongly: in Parliament, who answers for the price policies?—As far as agricultural (as distinct from food) price policy is concerned, either the Secretary of State, if it is a Scottish agricultural matter, or the Minister of Agriculture, if it is an English agricultural matter, may report to Parliament. Very often for convenience, and because England and Wales have the heaviest weight in agricultural matters, the Minister of Agriculture reports, for example, on the results of an annual price review, on behalf of the three agricultural Ministers.

677. *Chairman*: Does the Secretary of State for Wales not have agricultural responsibilities?—Yes. I would hesitate

to go into too great detail on this, because I believe there have been quite recent changes of which I am probably not fully informed. As I understand the position, the Secretary of State for Wales is now consulted on almost any matter which concerns Welsh agriculture, but I think he differs from the Secretary of State for Scotland at the moment in one important respect in that the Secretary of State for Scotland has his own order-making authority, whereas the Secretary of State for Wales is involved in order-making only on a joint basis with the Minister of Agriculture, Fisheries & Food.

678. *Professor Robertson*: To take an illustration: suppose there is a question arising about the hill sheep subsidy, which is a United Kingdom subsidy of particular importance to Scotland, which Minister would handle that matter in the Commons? —One cannot give a general answer to this. The Secretary of State for Scotland normally answers a question put down by a Scottish Member of Parliament in respect of the hill sheep subsidy or any other agricultural subsidy; a Scottish Minister will reply to an adjournment debate on the hill sheep subsidy or any other agricultural matter.

679. If the question were put down by an English Member of Parliament, is it implied that the answer would come from an English Minister?—Certainly, because mostly, but not invariably, an English Member of Parliament will put the question down to an English Minister. On occasions, however, an English Member of Parliament may address a question to the Secretary of State.

680. But the sheep are mainly up the hills in Scotland, are they not?—Yes, most sheep are.

681. So a question affecting largely Scottish policy might then be dealt with by the English Minister in the Commons? —It could be, if it were a general debate. In the case of the hill sheep, roughly half the hill sheep are in Scotland and the other half are in England and Wales, so that if it were a general debate it is quite likely that an English Minister might open the debate and a Scottish Minister would wind up. If it were a Parliamentary Question, it would depend on whether it was addressed to a Scottish Minister or an English Minister. There is no general rule about this. The most important point is that the Secretary of State is responsible for the state of the hill sheep industry, and indeed every other sector of Scottish agriculture and fisheries in his own sphere.

682. Could I then come to the formation of policy in relation to such matters as the support and price programmes. That last answer implies that the policy in its formation is heavily influenced by the Secretary of State's views; is this right? —The extent of the influence from Scotland—and one is still talking really in this sector of the annual price review—I think depends very much on the importance of the product to Scotland. Scotland and the Secretary of State have quite an influential voice in respect of hill and upland farming, the hill grants, the associated products of beef and lamb. These are very important, very vital to Scotland, and Scotland's voice through the Secretary of State is therefore powerful. But in, for example, the arable sector and a product such as wheat, where Scotland grows only 100,000 acres out of 2½ million acres, Scotland's voice is very much less powerful. But the important point is that on all matters, whether Scotland has a great or a small interest, at the end of the day the Secretary of State is jointly responsible; and at each stage officials and Ministers from Scotland are in the consultations and negotiations.

683. You have explained that in relation to each separate product the relative importance of Scotland is used as a factor determining how much attention might be paid to the Scottish Office. Could this not result in a situation in which the importance of the Scottish effort in each product is studied, but the total composition of the Scottish effort drags along behind a United Kingdom pattern? Is this a possible hazard?—Yes, there could be a danger in this, and it needs to be guarded against. I think what one can say is that it is the job of Scottish officials to see that what is basically a United Kingdom policy in respect of agriculture—and one is still talking now about agricultural support—does have proper regard to the needs of different parts of the United Kingdom, including Scotland.

684. When you and your colleagues go into the annual discussions, which I think it is agreed is the main factor of Government policy determining what happens to agriculture, do you go in with a policy on Scottish agriculture, or do you go in with a policy on pigs and a policy on sheep, and an argument as to why you might have more for some aspect or another? Do you have an integrated policy for Scotland which you then adjust to the United Kingdom policy?—Yes, we go in with stated Government policy. For example, at the moment stated Government policy is



selective expansion with particular emphasis on beef, pigs and cereals, so one goes in with this stated policy in mind, and then one asks oneself: "At this particular review, what are the needs in respect of Scotland, in order to implement further this particular policy?"

685. That is not quite the answer to what I was asking, which was: do you each year review the state of the agricultural industry in Scotland, determine what you think would be best for it, and then in the common policy-making argue about that?—I think we do both things. Apart from having regard to stated Government policy, we also have before us a mass of statistics about the experience of the industry over the past year in particular, and with some projection as to what is likely to happen over the coming year by way of increased costs and so on. Therefore in a very real sense I think we have regard to both the factors which you mentioned: the Scottish position and also how it can be geared into the United Kingdom position.

686. Would it be possible for Scotland to have a different agricultural policy from that of the rest of the United Kingdom, on support and so on?—It would be possible, but on the assumption that the objective of a different agricultural policy would be to achieve a much quicker growth in Scottish agriculture than was happening elsewhere in the United Kingdom, and that this in turn would reasonably mean that more resources needed to be put into Scottish agriculture than agriculture elsewhere, and that that in turn would mean more Government assistance, then at the end of the day I think this would certainly mean controls at the Border, because a position would have been reached where there would need to be differential guaranteed prices, differential subsidies.

687. *Chairman*: That would be putting back the clock a good many years, would it not?

688. *Professor Robertson*: You refer always, and of course very properly, to the Secretary of State as being the Minister responsible; it does strike one that the Secretary of State is responsible for a great range of things. Is it your experience that in practice you have a subordinate Minister to whom you normally are responsible within the Secretary of State's group of Ministers?—Yes.

689. That is your experience, but is it well understood in the industry and to the public at large that this is so?—I think it is well understood in the industry, perhaps not so well understood to the public at large.

690. If I were to ask, is there a Scottish Minister who is responsible for agriculture (which would no doubt be shortened in time to a Scottish Minister for agriculture) you would be inclined to say "Among the informed, yes, but to the public, no"; is this a good situation, do you think?—I think one difficulty perhaps is that the Secretary of State does, and of course must, delegate to his Parliamentary Under-Secretaries and to the Minister of State. If I could mention Mr. Buchan, who is the Parliamentary Under-Secretary concerned with agriculture and fisheries, he also deals with some Scottish Home & Health Department matters, particularly matters of law and order. It is mainly, I think, for that reason that perhaps the general public, unlike the farmers, have some difficulty in regarding Mr. Buchan either as a specialist agricultural Minister or perhaps as a specialist Home Department Minister.

691. Would it be true that in the House the expectation is that Mr. Buchan will get up and speak about agriculture, rather than Mr. Ross?—I think this depends entirely on the occasion. Mr. Buchan deals very often with parliamentary questions in respect of agriculture, adjournment debates, debates on the various statutory orders, and with virtually all the work on Bills in committee. The Secretary of State is mainly concerned with the major agricultural debates in the House, where he may either open the debate or wind up.

692. *Chairman*: You as Secretary of the Department have direct access to the Secretary of State?—Yes.

693. *Dr. Longmuir*: I would like to ask about the Agricultural Wages (Scotland) Act, under which the Scottish Agricultural Wages Board fixes minimum wages and so on. Presumably there is an equivalent body in England?—Yes.

694. Does this lead to a difference between the minimum rates of wages in Scotland and England, or does Scotland keep in line with England?—Nowadays the minimum rates are usually pretty well in line. The initiative for change in the minimum rate, which nowadays seems to happen about once a year, is usually in England and Wales, with the Scottish application for a change usually coming a few months later. But broadly, taking one year with another, there is not nowadays a great deal of difference in the minimum rates.

695. Do you think it is a good thing that there should be the two separate bodies, or would it be easier and simpler

and perhaps for the benefit of Scotland to have one body dealing with the United Kingdom?—I think there is an advantage in having the two bodies, because Scotland to a greater extent than England and Wales has a wages structure. The Wages Board of England and Wales has been searching for a structure for a number of years; as far as I know they have not yet achieved it, despite very considerable efforts. In Scotland we have got a structure, in that there are separate minimum rates fixed for the main categories of workers—grievs, shepherds, dairymen, stockmen, tractor-men, etc. For that sort of reason I think there are advantages in having separate boards, and any difficulties are, I think, at least partly overcome by the fact that among the independent members there is one member who is a member of both the Scottish Board and the England and Wales Board, so that he is able to effect liaison between the two.

696. *Mrs. Trenaman*: Are there any special distinct problems in Scottish agriculture? You have already mentioned the relatively greater importance of hill farming in Scotland and the comparatively lesser importance of horticulture in relation to England. Are there any other distinctions of this kind, or are there any special problems confronting agriculture in Scotland which do not confront farmers in England; and if so, how are these specially provided for?—I think the biggest special problem is the hills and uplands, as has already been mentioned. Associated with that, because it is part of the Highland problem, is crofting, which is an aspect peculiar to Scotland; and we have a Crofters Commission, with various functions, to look after that particular field. I think those are the major distinct problems. There are, however, a good many differences in Scotland compared with England and Wales. One very important one is the fact that we have a separate advisory service to farmers, which is constituted differently and has a different philosophy. It is based on the three agricultural colleges, and is therefore quite independent of Government Departments, even though the advisory service is financed on my Vote. Philosophically, the advantage which is seen to this arrangement in Scotland is that it does keep the advisory function to farmers quite separate from the inspectorial function, which in fact is carried out by my own Department. My Department has also got a different relationship to agricultural research in Scotland than has the Ministry of Agri-

culture. In Scotland my Department administers the eight agricultural research institutes, although scientific policy is the concern of the Agricultural Research Council. In the case of England and Wales, the Agricultural Research Council administers the research institutes direct. There are various other differences in Scotland, perhaps of a more minor nature. Apart from our own wages board, for example, we have our own marketing boards in respect of milk; in fact we have got three of them. We have our own arrangements for encouraging agricultural co-operation, and there are various other institutional arrangements which are different in Scotland compared with England and Wales, stemming very largely from the rather distinct history, and to some extent the quite distinct legal system, of Scotland. In the agricultural sphere a quite distinct legal code governs the relationship between the landlord and tenant—a not unimportant point. There is also the separate system of crofting tenure. There is a quite distinct court procedure for settling disputes, including the Scottish Land Court, which again is something which has no counterpart in England and Wales. These are all differences between Scotland and England and Wales, but I think the two main problems are in respect of the hill and upland areas, and of crofting.

697. *Mr. Donnet*: Some years ago there was a very important international whaling conference held in London, and the Government spokesman was the Under-Secretary of State for Scotland. Dealing with the standing of the Department within the United Kingdom context, in this international fishery field, does the Department have a special status?—(*Mr. Aglen*): Whaling has always been dealt with in the same way as fisheries. The Secretary of State is the Minister responsible in Scotland, and the Minister of Agriculture & Fisheries in England and Wales. In point of fact the policy has always been a joint one, though there have been in the past some special provisions relating to Scotland. On the occasion to which reference has been made, a Scottish Minister was welcoming the International Whaling Commission meeting in London. Ministers have taken it in turns to do that. Mr. Buchan has done it once or twice—he did it this year; Mr. Hoy, his opposite number in the Ministry, has done it on other occasions. I do not think there is any special significance in that.

698. *Chairman*: Supposing you were to have an international whaling conference

meeting perhaps somewhere abroad, would both Ministers be represented?—Generally speaking, at international meetings abroad both fisheries Departments are normally represented; but very rarely at ministerial level. When international bodies meet in this country, they usually receive a ministerial welcome, but otherwise it is all at the official level.

698A. *Mr. Donnet*: Following up a point put by Professor Robertson, at the consideration stage, of legislation which has a common application throughout the United Kingdom, but where the emphasis is different in different parts of the country, how does the Department safeguard the Scottish position? Do you have a power of veto over legislation if it does not suit Scottish interests?—(*Mr. Whitby*): No, at the end of the day I think one has got to resolve any differences which do arise at official level between the three agricultural Departments, and this may raise greater or lesser difficulty. If in fact we cannot resolve it at official level, it then goes to the agricultural Ministers, who must resolve it.

699. Returning to the question of the different wage negotiating machinery in Scotland and England and Wales, there is no point of principle in your mind which would lead the Department to object if there were a suggestion made, for instance, that there should be wage negotiating machinery on a United Kingdom basis rather than on a separate country basis?—I cannot think immediately of any point of principle which would arise here. Clearly the workers on the one side and the farmers on the other would need to be consulted on this matter, and quite frankly I do not know what their reaction would be, whether in fact they would favour an amalgamation or not.

700. *Mr. Craig Macdonald*: Is there a serious shortage of labour in the Scottish agricultural industry?—There certainly is a position where the agricultural labour force is declining quite steadily year by year, and of recent years the annual decline, which has been of the order of 5 to 6 per cent. in Scotland, is greater than in England, and is certainly giving rise to real concern on the part of the farmers. This, as we know, is due to both the "push" factors arising from increased mechanisation on the farm and the "pull" factors from industry drawing the agricultural labour force from the farms. As far as the Government is concerned, they are watching this position extremely carefully, to make quite sure that it is not going to jeopardise the selective expansion

programme. On the other hand, it is part and parcel of the selective expansion programme—as was explicitly stated when the expansion programme was launched in the autumn of 1965—that there should be a release of farm workers to other industries.

701. *Chairman*: Does that not sound rather like a deliberate rural depopulation policy?—It does throw up a problem of viable rural communities. Fundamentally, the Government's agricultural policy is not expansion under any terms; it is expansion of selected commodities on the strict understanding that the industry does continue to achieve a high rate of labour productivity. In order to achieve this high rate of labour productivity—which at about 6 per cent. per annum is almost unequalled as far as I know if one compares agriculture with other industries—the industry must release farm workers. The question is how long Scottish agriculture can go on releasing labour at the high rate of 5 or 6 per cent. per year. There must come a point of equilibrium.

702. *Mr. Craig Macdonald*: Is there any tendency to keep down wages for some other reason? There is a fairly widespread impression that agricultural wages are still rather low, while the job is becoming more technical and output is still going up. Is there any tendency, deliberate or not, to keep wages at a rather low level compared with industry of other kinds?—The position is that the Agricultural Wages Boards in Scotland and in England and Wales fix the minimum rate. The farmer is free to pay above the minimum rate, and in the vast majority of cases the earnings are quite considerably above the minimum, for a good many reasons. Unfortunately I have not seen any evidence that the gap between agricultural wages and industrial wages has tended to lessen. To try and reduce it has always been an aim as far as agriculture is concerned, but I have not seen any evidence that the gap has been significantly lessened.

703. How frequently does the Wages Board carry out its reviews? Is there a regular pattern?—There tends to be a pattern. Nowadays I think it is fair to say—although this is perhaps an unwritten rather than a written rule—that the applications tend to come in the autumn, so that any award which may be made by the Wages Board coincides with the annual review, and if at all possible can be taken into account at the annual review. But an application may be made at any time.

704. *Professor Robertson*: How do agricultural earnings in Scotland compare with those in England and Wales?—There is not a great deal of difference, but—and this is rather surprising—the English worker works longer hours and gets rather higher total earnings. But at the moment the Scottish worker is getting rather higher earnings per hour than the English worker.

705. Is it possible to offer any indicators of efficiency, such as comparisons of output per head, in Scottish and English agriculture?—The labour productivity figures are very, very similar. The broad position at the moment is that the Scottish labour force is being run down slightly faster than in England; on the other hand, Scottish output is rising rather less fast than in England. This is very largely because Scotland depends so much on livestock products, which are not so easy to expand at the same rate as arable crops, which are much more the preserve of English farmers. As the result of a combination of those two things—rather quicker release of workers in Scotland, but a slightly slower tempo of increase of output—the labour productivity figure is about the same.

706. So one has two industries about equal in efficiency and paying roughly about the same wages?—That is right.

707. *Dr. Longmuir*: Would I be right in thinking that the question of wages is inevitably involved in the price given for the end product—milk, beef, barley, whatever it is?—Yes.

708. So ultimately the control of agricultural wages rests with the price review?—It does to the extent that the total earnings which the worker receives, including any premium above the basic minimum rate, must depend from the farmer's point of view on his capacity to pay. To that extent an annual review award will affect the labour position.

709. *Professor Street*: If Scotland's administration were entirely separate, I would expect its Department of Agriculture to be very closely concerned at the moment with the problem of the Common Market. How closely and directly has your Department been consulted with regard to Scotland's special position, and what views different from those of the Ministry in England has your Department had the opportunity to express?—As regards the Common Market's implications for agriculture, the Government issued a White Paper approximately eighteen months ago, which set out these implications at some

length. We were very fully consulted on that document, which covers all the commodities and each sector of the industry, including the hills and uplands, so the general answer is that we have been consulted very closely on the Common Market issues.

710. I would like to return to an aspect of the separateness between the Scottish Department and Whitehall. I understand that at the moment with regard to safety in horticultural pesticides there is not any statutory regulation, that the Ministry of Agriculture, Fisheries & Food has laid down a voluntary code, expecting importers and manufacturers to conform to it, that there is some unease about whether this is enough, and that in London at least the question of whether to back this by statutory licensing and so on is under consideration. How would the Scottish position be reflected here? Would you reach an independent decision? Are you independently considering this question here?—No.

711. Do you just leave it to London, see what London decides, and then either follow suit or do nothing?—No, the position here is that the Secretary of State is jointly concerned with the Minister for policy, and we have a representative on the advisory committee which deals with this particular issue, so that we are very fully in the picture on this question of the Government's attitude towards pesticides.

712. What would happen if it got to the stage of legislation being intended, would you just go along more or less automatically with whatever was decided for England and Wales?—No, I do not think either we or the Ministry go along with each other automatically. Where the policy is a joint policy, as it very often is, there may be differences, but they have got to be thrashed out into a common policy, and this is done in the usual way, through consultation on working parties and committees.

713. What happens if you cannot arrive at a common policy?—If we cannot arrive at official level at a policy for the whole of Great Britain, the question must go to Ministers.

714. Has it ever happened that, being unable to arrive at a common policy, an Act has been passed on a particular subject matter for England and Wales, and that Scotland has been able to express its separate view by getting a separate Act for Scotland on the matter?—No, I cannot recall such an occasion in the agricultural field.

715. Does that mean that Scotland in the end has always agreed with England and Wales, or are you saying that when Scotland has not been able to agree with England and Wales the consequence has been that Scotland has been unable to get legislation at all?—It is very difficult to generalise here. I have already mentioned that on matters which are peculiar to Scotland there may very well be separate legislation. But even in the case of separate legislation, the principle has probably to be cleared with other Ministers. Apart from those cases, and taking the costs where there is a common policy for the whole of Great Britain and where Ministers have to reach general agreement on what that policy should be, as far as Scotland is concerned, if we disagree with English colleagues, the aim is to try to ensure that adjustments are made to the proposals, so as to ensure that they are reasonably appropriate to Scottish conditions.

716. Could you say without qualification that whenever Scotland has entertained a separate view, and legislation has ensued, Scotland's view point has been completely expressed in the eventual legislation affecting Scotland?—No, one could never make that claim, because legislation is a continuing process. Sometimes one has to be patient and wait; one cannot always achieve one's objective immediately in a particular piece of legislation. But this is not really only a matter for Scotland or the Scottish Office, I am sure that all the Departments have this experience. One cannot get immediately everything one wants.

717. But would it be true to say that if Scotland had a separate legislature, laws affecting Scottish agriculture which your Department wanted would have been passed which at the moment have not been passed?—This is a very difficult question to answer, because I assume that if in fact there were a separate Scottish Parliament it would draw up a separate Scottish agricultural policy; but I have not the slightest idea how that would differ from the present policy.

718. *Mr. Craig Macdonald*: I am a little concerned about this question of the rundown in the labour force in the agricultural industry. I know there are quite a number of factors to be taken into account, and there are a number of fundamental trends which you have described this morning, but I am still worried that it appears to be a quite deliberate policy, or alternatively the trend is not in the meantime being resisted officially. Is that a fair view?—The trend is not being resisted, because, as

I mentioned earlier, it is implicit in the Government's approach to the selective expansion programme that it should be based on a high level of labour productivity. I also mentioned, however, that the Government is concerned about the release of agricultural workers, and is watching the position very closely, because as I also mentioned there is a recognition of the relationship between the earnings of agricultural workers and the farmers' ability to pay, which of course does rest on profitability.

719. *Professor Robertson*: But the use of the term "rundown" was applicable to the labour force and not to wages, or output per head or output in total, all of which are increasing?—Yes.

720. *Chairman*: You gave us some comparative information as between the productivity and wage structure of England and Scotland. I wonder if you could do the same for us as between Scotland and Northern Ireland?—I have not any figures in mind for Northern Ireland, and I think it is more difficult for Northern Ireland, where there is a very small paid labour force. Much of the work on Ulster farms is done by the owner-occupier himself, on small family farms, so I think in that respect the labour position is quite different.

721. If the positions are not comparable, it would not be worth while comparing them.—No, they are not really comparable.

722. *Dr. Longmuir*: This raises the question of administration of agriculture in Northern Ireland. Presumably it is all done through Stormont?—Yes, the administration is done through Stormont, but so far as the support costs are concerned, they are included in the Ministry of Agriculture, Fisheries & Food's vote.

723. Do you see any advantages in the Northern Ireland situation?—I have only a private view on that.

724. My impression from thirty or forty years ago was that Northern Ireland agriculture was very much in advance of ours. I do not mean in the number of bushels per acre, but generally speaking in the upgrading of stock and that kind of thing. Northern Ireland could presumably do such things themselves, while ours would have to be United Kingdom policy?—If this is a question of a comparison of technical efficiency between Scottish agriculture and Ulster agriculture, I do not think I would agree that the technical efficiency of Ulster farming is higher than Scottish farming. I think comparisons



in this matter are invidious. I think the technical efficiency of Scottish farming is extremely high. It has always been high.

725. That was not quite the point. The point was that they have power to formulate their own policy.—If one is thinking now of general agricultural policy, this is not so. Ulster forms part of the United Kingdom, and agricultural policy is concerted for the whole of the United Kingdom, so in that respect Ulster is in the same position as Scotland and England and Wales.

726. *Chairman*: We do not have any rules, so far as I am aware, against the expression of private opinion, so if you would like to express one, please do—but do not feel yourself obliged to. Would you like to add anything?—If the gist of the question was to seek a view about the Stormont Parliament in respect of agriculture, I do not think I would want to comment on that.

727. I think, gentlemen, you have given us a great deal of very useful information indeed, and we are most grateful to you for it.—(*Mr. Aglen*): Could I just hark back to the question asked about expenditure, to which I think I gave only a partial answer. I am sure the fact that Scottish fisheries are more important relatively is part of the answer. There are also some items of expenditure such as fishery protection, which occur in the Scottish Department and not in the English, and our harbour expenditure is also much higher than theirs; but I think your question was probably related only to part of the expenditure. I was addressing myself to the total Government expenditure as set out in paragraph 6 of our memorandum; I think the figures quoted must have been only part of that.

*Chairman*: Thank you very much.

(*The witnesses withdrew.*)



*Called in and Examined*

[A summary of the functions of the Scottish Education Department is given in Part IV of the Memorandum by the Scottish Office.]

728. *Chairman*: Mr. Graham, do you or your colleagues from the Scottish Education Department wish to add anything to the written evidence with which you have already supplied us?—*(Mr. Graham)*: No, sir, not at this point.

729. Would you say there is in Scotland the general feeling that the Scottish system of education is far superior to the English?—I think that is probably so.

730. Do you think it is justifiable?—I would not myself attempt to judge this. It is very difficult to establish criteria by which to measure, and I think the performance will vary just as much within a country as between countries.

731. But if it is so difficult to judge, what do you think gives rise to this myth, or is it just a general feeling of "What's like us"?—There is undoubtedly an historical justification for it. I am not myself an historian of Scottish education, but there is no doubt that in time past public education made earlier and greater progress in Scotland. There must be some significance in the fact that a public school in Scotland means a public school, whereas in England it means a private school.

732. Yes. Then if there is no measurable distinction between the two countries, you would say this is because of the increase, the marked increase in the efficiency of the English system?—I do not think I said there was no difference. I said that I did not know how to measure the differences. To establish criteria depends to some extent what the objectives of the system are.

733. But supposing an intelligent foreigner were to say to you: "You have I believe a different system of education in Scotland than in England?" and you would say yes. He would then say, "What are the principal distinct differences?"—The main differences now are, first in terms of organisation, that we divide between primary and secondary education a year later than at present in England and Wales, although the Plowden Committee recommended that the English division should be changed; that we have a different system of teacher training, so that in the secondary schools virtually all our teachers of academic subjects are university graduates; that

in the examination system the final school examinations are in practice a year earlier than they are in England and Wales, and the curriculum is more general, less specialised. Then in the university sector—with which my Department has no direct responsibility—the degree structure is in some faculties substantially different. I do not know whether Mr. Bennett would like to add to this from his point of view?—*(Mr. Bennett)*: I think Mr. Graham has mentioned the salient points. I would simply add I think that they are reflections of our national characteristics. We have an interest in the common man, therefore we have an interest in a broad education. Our education is not nearly so specialised. If I might return to the earlier question about the comparisons of English and Scottish education, there have been some studies on this and it is pretty clear that in some measurable respects the English system produces better results, and in some other respects we produce better results.

734. What is your view of the fact that your responsibility for education ends when the child leaves school?—*(Mr. Graham)*: It does not end when the child leaves school.

735. Perhaps I should have put it differently: it ends temporarily at least when he enters the portals of a university?—This is true, that the universities are independent from the Scottish Education Department, from ministerial control in the sense that the public education system is subject to ministerial control.

736. Then that means, does it not, that if the majority of teachers in the secondary schools are university graduates, you have to that extent had no control over their training?—No control over their higher academic education, but a measure of control over their professional training which is in the colleges of education.

737. Yes. Does this seem to you to be anomalous, that this sector of education should be outside the control of the Ministers responsible for education?—It does not seem to me to be anomalous, because it has been accepted policy in this country—and by this country, I mean Great Britain—that the universities should not be under any direct ministerial control.

738. *Professor Robertson*: Are you saying that the universities in Scotland, England and Wales are all in a manner

outside ministerial control, that the accepted intermediary is the University Grants Committee, which deals largely with the questions of finance and not questions of academic policy; so that the matter before us presumably would be not whether the Secretary of State for Scotland would take over direct responsibility for Scottish universities, which would be a major departure from precedent in the United Kingdom, but rather whether there should be a separate Scottish University Grants Committee advising Ministers on the situation in Scottish universities?—Yes, I would agree entirely that this is so to speak the alternative to the present system. It has not always been presented in this way. Somehow there has been an idea that, if there was a change, the change would be to bring the Scottish universities under the Secretary of State, and somehow under the Scottish Education Department. But I entirely agree that the logical alternative to the present system would be some form of Scottish University Grants Committee.

739. *Chairman*: Would there not also have to be some kind of United Kingdom body as well, in the interests of the inter-availability of universities throughout Great Britain? There are many Scots students in English universities, and many English students in Scottish universities, and this could only be organised, I would have thought, on a United Kingdom basis?—I would agree. I can see a number of difficulties about this alternative. In the first place, the University Grants Committee as at present constituted consists substantially of people actively engaged in academic work in the universities—I think at present 14 out of the 19 members. These 14 members can, as I see it, take a reasonably detached view of the problems of 43 universities. But if you were to contemplate a separate University Grants Committee for Scotland, it is not easy to see how you can have an academic element in that committee which is as detached as the academic element is in the Great Britain committee. The second difficulty is the one touched on, that to a very large extent the Scottish universities are part of a Great Britain system at present, and perhaps to an increasing extent there are arguments for looking at some of these things on a Great Britain basis. The day is long past, if it ever existed, when a university could hope to teach and research in all the disciplines; there is an increasing measure of specialisation, both in the pursuit of academic excellence and, at least in science and technology, because of the

mounting cost, the sophistication of equipment. It is inconceivable that the resources could be found to duplicate or proliferate these facilities through a great many universities. Very often the University Grants Committee has the choice of financing things in literally two or three universities up and down the country, and if there were a separate Scottish organisation there would certainly be a very acute problem here, which would demand some form of co-ordination and close working between two grants committees.

740. *Professor Robertson*: Are you saying that to achieve impartiality a Scottish University Grants Committee might well have to be manned by Englishmen or non-Scots, that the system would be too small, too parochial, to work as a purely Scottish exercise?—I should not like to cast any reflection on Scottish academics, but I do think the problem would be more difficult than it is on a Great Britain basis.

741. On your second point, that the Scottish university is part of a Great Britain system—I would have said international myself—is it within your knowledge that there are subjects for which there are centres in Scotland, and that other universities in the United Kingdom have simply deferred to the ability of a particular Scottish university in that field. Do we have things which are not duplicated elsewhere in the United Kingdom?—Off-hand, I cannot think of many examples where the main centre is in a Scottish university, but that is no doubt because I am not myself directly involved.

742. *Chairman*: It could easily arise. I understand, for example, that the principal centre for the study of Gaelic is the university of Bonn.

743. *Professor Robertson*: My understanding is that a higher proportion of young people in Scotland complete a secondary school education suitable for university entrance. Is the application rate for the universities higher relative to population in Scotland than it is in England?—This is true if one compares Scotland with England and Wales as a whole. If one begins to look at different parts of England and Wales, this produces a different answer. Wales, for example, is very comparable with Scotland, and in London and the south-east the proportion of an age group going to university is higher for boys than it is in Scotland.

744. I was concentrating on the Scottish/English comparison, because what I wanted to ask was this: is there any

tendency in the debate about university finance to say in effect that the fact that there are a higher number of young people coming forward in Scotland as compared to England means that Scotland will have to be subjected to severe rationing as to allocation of the money, or do we get the money irrespective of questions of share?—The problem is not really looked at in that way. The problem of the demand for higher education is calculated globally for Great Britain, and the supply of places is equally calculated on a Great Britain basis, if only because, as observed earlier, there is a substantial movement both ways. It is well enough known that a substantial number of English and Welsh students come to Scottish universities; it is perhaps not quite so well known that an increasing number of Scots go to universities in England and Wales.

745. *Chairman*: What, roughly, is the proportion of the cost of education borne by the rates and what by the central Government?—There is first a certain amount of expenditure which is borne directly by central Government on my Department's Votes—teacher training and student awards are the two biggest. Of the rest, approximately 60 per cent. of the expenditure on schools and further education (i.e. the sectors which are the responsibility of education authorities) is reimbursed through the local authorities, through rate support grant. This is a grant in aid of all local authority services, which works out at about 60 per cent.; and education is of course the biggest element in local authority expenditure.

746. *Professor Street*: In paragraph 8 of your written evidence it states: "Where the Government take major decisions of policy, which may be social as well as educational, affecting the schools that are necessarily uniform throughout Great Britain . . . they apply to Scottish schools as to schools in England and Wales." I would like to press you further about how you make this distinction. It would seem to me that many decisions affecting education are also social in context, and I would have thought that the school leaving age certainly had a very high educational element in it. What factors are there which determine whether the decision is one which Scotland can make for itself, or whether it is one where it has to coincide with whatever is arrived at for England and Wales?—We may not have described these major decisions in the happiest terms. So far as school meals are concerned, school meals are in

effect a form of social security or family support; although it is an educational service it is part of a bigger structure, and that structure under the policy of successive governments has always been a Great Britain structure. That is why any decision about school meals—there was one only this week—has invariably been taken on a Great Britain basis. So far as the leaving age is concerned, this is a really major decision. Admittedly it is primarily an educational decision, but it has other important social and economic effects, and for that type of decision again, it has been the policy of successive governments—it has not always been so, but within recent times it has been so—that these decisions are taken on a Great Britain basis.

747. Why has Scotland lost the independent power to make its decisions about that?—This is just a manifestation of the public will. As I said, there was a time when people were evidently more concerned about public education in Scotland than they were in England and Wales, but that time seems to have passed.

748. You are suggesting that Scotland has ceased to wish to have an independent decision-making power about the school leaving age?—I do not think it is a question of independence, it is just that there is now a broader national consensus of opinion—using "national" in the Great Britain sense.

749. On what other matters, apart from the two mentioned in your paragraph, has Scotland been prevented from reaching an independent decision in the area of education?—I cannot think offhand of any important matter on which Scotland has been prevented, to use your term, from taking a decision that Ministers wanted to take.

750. Then perhaps I should ask which matters fall outside the scope of the Education (Scotland) Acts, and which fall within the scope of an Education Act which has been applicable to England and Wales and to Scotland on an educational issue?—Virtually all the legislation governing education in Scotland is Scottish legislation.

751. Are there no important matters which are contained in United Kingdom Acts other than these two?—I cannot think of any.

752. *Mr. Miller*: Certain features of Scottish education do not have a parallel in English education. For example, at times there has been a proposal that university graduates training for teaching

—which is obligatory in Scotland, but not in England at the moment—should be paid during this term of training. It is alleged that the serious consideration of such a proposal, which would put teaching on a par with other professions, has been blocked because the position does not arise in England where there is no obligation. Could this kind of thing happen?

—This particular thing did not happen. The reasons for not adopting this proposal relate not simply to English teachers, but to the great many other occupations which involve a long training, in which there is no provision for departing from the normal system of student support during that training—architects, doctors, veterinary surgeons, there are a good many trainings which are at least as long as teacher training, and sometimes longer, where the undergraduate is expected to subsist, with the help of student support, throughout his training. That was the main consideration. The English pattern is now changing. From, I think, 1972 or 1973, the new English graduate will be required to take a professional training in the same way as the Scottish graduate has been for many years.

753. I accept the comparison with certain other professions, but is it not true that certain educational interests in Scotland have long proposed that this particular innovation be made? Would it not be fair to say that if there were a separate Scottish assembly of some kind, this question might have received more careful consideration than it has done?—Any Scottish assembly would have had to face the consideration I have just mentioned, in that this would have repercussions. It would also have to face what Government has regarded as a fact, that there was no substantial evidence that this would make much difference to the situation. The case had never really been substantiated that it would produce any major influx of people into teaching who were not coming now.

754. One rather similar point is that sometimes we have a Great Britain committee set up to discuss an educational problem, for instance the Robbins Committee. That Committee made certain proposals for the colleges of education, which defined their position with regard to the award of a teaching degree as distinct from a diploma. Do you think that the rather different history and traditions of the Scottish colleges of education would receive full consideration from such a national committee?—These Great Britain committees are exceptional.

The Robbins Committee was of course dealing with higher education and with the universities, and therefore inevitably it was on a Great Britain basis. It does not seem to me that anyone reading the Robbins Report would ever have taken from it the impression that the Committee had not given sufficient attention to the Scottish education system.

755. I must say I am prejudiced on this particular point.

756. *Mr. Donnet*: In an industrial context, the existence of a separate Scottish educational system has often been presented as a real hindrance to industrial growth. People with children of school age moving between Scotland and England have difficulties and in particular children leaving secondary schools in Scotland with a qualification seem to have special problems in being accepted into at least certain English universities. Why do we still maintain the separateness of Scottish education if it has no special advantage, and there is proof that it can create problems because of this difference between the type of qualification with which a secondary school pupil leaves an English school and a differently named qualification with which a child leaves a secondary school in Scotland?—There are two points I would make on this. The first is that there is a certain amount of myth here. There are only two universities, London and Exeter, which still do not recognise the Scottish certificate of education on the higher level. Generally, of the students who go from Scottish schools to English universities—and as I said earlier, the number is increasing—about two-thirds go with Scottish qualifications only, the other third have a mixture of Scottish and English qualifications, or English qualifications. The second point I would make on this is that, as I said earlier, there is this difference in the examination structure. But the English examination structure has been under very close scrutiny by a joint committee of the schools concerned and the standing council on university entrance. As I understand it, this committee is due to report very shortly, and it is not inconceivable that there may be changes in the English examination structure.

757. I am grateful for the explanation, because this is one of the items which has fallen into the realm of Scottish prejudice. With this so-called myth of a superior education, it is very damaging to the vanity of a Scottish parent to have his child refused admission to a university in

England on the grounds that they do not recognise his certificate.

758. *Mr. Craig Macdonald*: Why do London and Exeter still persist in this attitude?—I think London's difficulty has been that they operate a system of external degrees. They have candidates with all sorts of different qualifications, and they have found it more convenient hitherto to stick to one standard. They feel, perhaps naturally enough, that once a departure is made, it is the more difficult to stand there. My Department is still in correspondence with London University on this very issue.

759. *Chairman*: Does it work at all the other way, do all the Scottish universities accept English qualifications?—They recognise the G.C.E. qualification. This does not necessarily mean that any student who could get into an English university with a given set of qualifications could get into any Scottish university with these qualifications. This is not so.

760. *Professor Robertson*: That shows a very sensitive appreciation of the attitudes of the Scottish universities. If we are going to be allowed autonomy in Scottish education, we must allow some degree of autonomy in England likewise. One might deplore London's position in this matter, but one could hardly try to do much about it by authority, only by influence. It is rather like the position between the Church of England and the Church of Scotland on communion; we are the more broadminded. The only other point I wanted to make is that rumour has it—and there is substantial evidence to suggest the rumour may well be correct—that England is now at least recovering the advantages of the Scottish schools system. Earlier reports have tended to bring the English more advanced view more into line with the Scottish system than we have moved into line with theirs, and this seems to be a desirable tendency.

761. *Mr. Donnet*: This is not just an airy-fairy discussion amongst academics. In an industrial context it is a real irritation. In an industrial context, where the attempt is being made to provide for much freer movement to attract people, and to achieve more industrial and economic growth, snags occur because of this separateness of the educational systems. From the parents' point of view the quicker the snags are ironed out, the better.

762. *Chairman*: That difficulty is by no means confined to the industrial viewpoint. I have certainly experienced it myself and

it is a real nuisance to parents.—I hesitate, as time goes on I think one must hesitate more and more, to regard Oxford and Cambridge as in any way special, but it is a fact that the majority of pupils who go from Scottish schools to Oxford and Cambridge go with Scottish qualifications only, without any passes in the G.C.E. examination.

763. *Dr. Longmuir*: Is there not another side to this problem, that teachers with an English qualification have some difficulty in being accepted in Scotland?—Teachers coming from the south to teach in Scottish schools are expected to have a professional qualification as teachers. Hitherto a great many English graduates have gone straight into teaching without a professional qualification, and these are the people generally speaking who have this difficulty. There was a time when the English primary training was a two-year training only, and the problem existed there also. Now, when the English primary training, like the Scottish, is three years, the problem does not exist to anything like the same extent as it did at the primary stage.

764. *Professor Robertson*: The question is by no means confined to "airy-fairy" academic discussion. It is also the fact that tradesmen coming from England are not always accepted in Scotland. I think this is part and parcel of the problems of mobility, and not really central to our discussions. If we have autonomy in an English institution we have to put up with some degree of ignorance on its part of Scottish conditions.

764A. *Mr. Craig Macdonald*: Are people coming from England without professional training as teachers permitted to teach from the beginning and do their training on a part-time basis, or does this arrangement apply only to colleges of further education?—It applies now only to colleges of further education.

765. Not to general school teaching?—There might be the odd exceptional case, but it does not now apply in the ordinary school teaching field.

766. *Chairman*: It has been so in the fairly recent past, I think?—Yes. I qualified my answer because there might still be cases where a teacher coming from the south was allowed by the General Teaching Council, as it now is, to qualify for registration by some very short training. But in the general case, if he had no professional training, he would be required to take a full professional training.

767. *Mrs. Trenaman*: Do I take it that any school teacher who came from an



English university and who had a certificate of education in England would be accepted on level terms with someone who had taken a teacher training in Scotland?—Yes. —(*Mr. Bennett*): If they were trained, but not necessarily if they were not trained.

768. But there is no distinction between the Scottish and the English qualification? —(*Mr. Graham*): The professional qualification, no.

769. From what we have heard this morning, the differences between the English and the Scottish systems of education, apart from a few institutional differences and of course quite important practical differences about the dates of entry from primary to secondary school and from secondary school to university, seem principally to consist of a system of a less specialised education at a secondary school. We have subsequently been told both by the witnesses and by some members of the Commission that some of these differences are beginning to break down, mainly through the English seeing the light and adopting Scottish practice, rather than vice versa. To what extent is the system of separate administration of Scottish education founded on the differences in the system? We have very frequently been told, and indeed we are told in the written evidence, that these are profound differences, almost as different, one has gathered from time to time in the discussion, as between the English and Scottish legal systems, but it looks very much to me from what we have been told this morning as though these differences are of nothing like the same order of magnitude. In so far as the differences diminish or even disappear, is there the same case for separate administration of Scottish education?—If I may deal first with the differences, we confined ourselves to the more obvious and easily described differences. It is possible to say that at any rate in the past there have been more subtle differences, which one cannot easily quantify and perhaps cannot easily describe. It is arguable that traditionally Scottish education put more emphasis on intellectual development and less on character development. It is arguable, too, that the Scottish system has tended to give a larger place to the educational specialist, and a smaller place to the layman. Generally, it is probably fair to say that Scottish teachers have had a bigger voice in Scottish education than teachers have in the south. But I did not mention these wider considerations in the first instance because they are debatable, they are

impressionistic, and it is very difficult for us as a Department to speak to them and to substantiate them. But there would be fairly wide agreement in Scotland that there are differences of this kind. To go on to the latter part of the question, even supposing these disparities for one reason or another do not exist or will not exist to the extent that they once did, there would still, as I see it, be substantial advantages in the present system from the point of view of the education authorities, from the point of view of the profession, in that they can readily deal with the centre of authority, and that in this comparatively small area—where people know one another and where the people whose opinions or decisions will matter can relatively easily be brought together—it is possible to facilitate development in a way which may be much more difficult in a large country like England. For example, quite recently the Dainton Report, which deals with the flow of students into science and technology, stated it was remarkable the extent to which the new mathematics had got into the Scottish schools. This is true also, perhaps to a lesser extent, with what is generally known in the south as Nuffield science where there has been a similar development. Dainton devoted some space to, and brought out, the point that this is very largely because in Scotland it was possible to bring all the people concerned—H.M. inspectors, principal teachers of mathematics—into a body working together which could produce material, develop it, test it and then apply it, in the new textbooks.

770. *Mr. Craig Macdonald*: Has the General Teaching Council any equivalent in England, and if so, does it cover the registration of teachers in a similar fashion to that which is so rigidly being applied in Scotland?—There is at the moment no General Teaching Council in England, but there are discussions going on between the Department of Education and Science and the teacher bodies and others in England and Wales with a view to setting up a General Teaching Council.

771. Why was it considered necessary to apply the arrangement so rigidly in Scotland if it does not yet apply at all in England?—If you have an independent system you must at times go your own way. The system was set up in Scotland following the Wheatley Report, which recommended that this council should be set up. That report was very widely welcomed at the time by all the Scottish interests.



772. *Dr. Longmuir*: May I ask a question about paragraph 14, headed "Educational building", which says:

"The Department is responsible for the distribution of the investment allocations for public education in Scotland between Scottish education authorities and the other grant-aided bodies concerned. These allocations are fixed by the Department after consultation with the Treasury."

Is the procedure for the Department or the Secretary of State to draw up a budget, broken down into the different allocations proposed, or is there a lump sum given to the Department as is responsible for the distribution? Does the Department then break the sum down into school buildings and so on, and then get the approval of the Treasury at that stage?—The process begins with the Department drawing up a forward programme for further education colleges, colleges of education, schools, special schools, and the various other sectors for which we have responsibility. We discuss this programme with the Treasury, we make the case for the particular bits, and at the end of the day we agree with the Treasury a programme for further education, one for colleges of education, one for schools.

773. You have not got entire freedom to use your grant in Scotland for education as you would wish?—It is not technically a grant, in that some of the services fall directly on the Exchequer, such as colleges of education, and there is a grant there, there is actual money on our Vote to finance building in colleges of education. So far as the schools sector is concerned, it is an allocation of resources, not of money. The education authorities are permitted to build up to a particular limit. They themselves finance in the first instance the building of the schools, and the grant is in the end through the rate support grant. The other part of the question was as to how far we could switch. If the case arose, there would by agreement with the Treasury be room for a certain amount of switching, but there are practical limitations here, in that this programme is fixed for a period ahead. By the time you know you are going to be underspent in a particular year or in a particular period on one particular programme, there is really in practice very little scope for switching, if the case arose, because it is too late to do much about it.

774. *Chairman*: You have described how there is a kind of internationalisation of universities going on, between the countries of Great Britain. You have

described how the differences between English education and Scottish education are being ironed out one way or the other. Assuming that education should be looked at as a social service and assuming no Scottish independence, why if this process is going on, do we have to have a Scottish Education Department when we do not have a Scottish Social Security Office?—It is true that some of the differences are being ironed out, but there are substantial differences still, and I tried to answer this question earlier. In the kind of organisation we have there are very considerable advantages still, as I see it, to the educational interests in Scotland and, at any rate indirectly, to the pupils—and at the end of the day it is the pupils who matter.

775. I think you would get a great measure of agreement to that. But are you not merely saying that it is an advantage to live in a small country? I was asking the question on the assumption, correctly or incorrectly, that we are going to go on living in the United Kingdom.—(*Mr. Robertson*): I wonder if we have perhaps rather minimised some of the differences? There are several others which we have not mentioned. One example is the different Scottish arrangements for religious schools; in Scotland Roman Catholic schools are financed and run by the education authority as a part of their business, in the same way as they run schools of a non-denominational character. I am not fully aware of the English arrangements, but I think it is different in England; the Scottish arrangement since 1918 has gone on with really remarkably little stress.

776. But that may be another difference which is about to be ironed out, perhaps the English will see the light.—(*Mr. Graham*): It is true that shortly before the English Act of 1944, there was strong pressure from both Churches—both the Church of England and the Roman Catholic authorities—for what they called the Scottish solution. But the government of the day did not accept it.

777. *Professor Street*: Is one consequence of having a separate administration in Scotland that there is more central interference? As a visitor from the south, I have the impression, rightly or wrongly, that there is quite a lot of middle-class dissatisfaction with education in Scotland, especially at the secondary level. Does it result in local authorities having less say because there is a Scottish Office than would be the case if central control was exercised from Whitehall? I have

the impression that the educational arrangements prescribed from the centre here are sometimes out of harmony with what local authorities would themselves have had if they had the say. We have only got to look at the front page of the *Scotsman* this morning. Is there anything in this point?

—Over the years—and this is going back a very long way—it is true that my Department has taken, and has been expected to take, a more direct part in the development of the education system than the Ministry of Education, now the Department of Education and Science. This to a considerable extent is because the public sector was much stronger in Scotland. The English Act of 1870, of which the centenary is about to be celebrated, was promoted to fill the gaps left in the system by the voluntary schools and the Church schools, whereas at that time, when the Scottish Act of 1872 came in, by and large the Scottish schools were what we call public schools. For that reason alone, the Department, which after all is a good deal older than what is now the Department of Education and Science, has always taken a more prominent place. Then in the 1880s the Department developed a system of national examinations, which was a very powerful lever on secondary education; H.M. Inspectors conducted these examinations and prescribed the syllabuses for them. Almost immediately after the Board of Education was set up, in 1902, local responsibility for education was put in the hands of relatively large English authorities, the county boroughs, at a time when Scottish education was still very largely in the hands of very small school boards. Inevitably the English Department was in a weaker position. Even now there are a good many Scottish education authorities which have relatively small resources, and are quite willing and anxious to look to the centre for advice and guidance. It is not interference. It is perhaps unfortunate that we are meeting today and that what is on the front page of the *Scotsman* is there. This is a very exceptional case, and this difficulty derives not from administrative interference by the Department—interference was your term—but from a difference of opinion between a local authority and Government, and what this particular authority is objecting to is something which has not existed in England since 1944.

778. *Professor Robertson*: If one assumes implementation of the recommendations in the Wheatley Report, that would mean a smaller number of regional authorities charged with responsibility for education. Would your Department then have to step

back a little in the degree to which it took a detailed look at the affairs of the authorities?—Yes, it was in both our written and oral evidence to the Wheatley Commission that this was a likely consequence, and from our point of view a desirable consequence.

779. Would there still be room for your Department in the structure, with these large regional authorities?—Yes, we think so.

780. *Chairman*: As I recollect it, the Wheatley Commission was not charged with the duty of considering the finance of all this. Much would depend on what the financial powers of the new regional authorities were going to be. If they had full financial powers, this would remove the necessity for 60 per cent. educational support which the educational authorities are getting now, so that would be an additional reason for your demise, Mr. Graham, would it not?—The Wheatley Commission did not contemplate our demise. It recommended, and this was consistent with our own evidence, that there should be an overhaul of the distribution of powers.

781. *Chairman*: The Commission could not recommend your demise because that would have left a financial gap.

782. *Professor Robertson*: May we investigate the question of educational diversity (not necessarily costing large sums of money) and its control. To illustrate, I am thinking of such matters as the introduction of modern studies to schools, the teaching of primary school French, the creation of a qualification of engineering in the schools, the creation of a sixth form certificate, the manner of teaching reading and writing and arithmetic in the primary schools—all, I understand, educational innovations of a sort. In cases of that kind do you in any way have to take account, other than just as a courtesy, of the views of the Department of Education and Science?—Broadly, the answer is no. We take account as far as we can of developments which may be going on in the south.

783. To decide whether you should introduce them?—Yes. And if there is anything to learn or to try to emulate, I should hope we would try to follow it. It is true that some of the first developments in primary French, which is one of the examples you mentioned, were in Leeds.

784. When you go along to argue with the Treasury, as no doubt you have to, about money, does this kind of question come up, do they say: "You are now

spending money on teaching modern studies, and you have got laboratories for engineering, and Department of Education and Science have not found it necessary to innovate in this way, therefore your budget must be cut"? Does that kind of detail come up in your discussions on financial control?—No, I cannot recollect any discussion on the general line that the content of the curriculum was relatively expensive. What might conceivably happen in this field is that, if at some point it became evident that there was a gross disparity in teaching strength in the two countries, the Treasury might ask: "Are we justified in putting this amount of money into educational expenditure, which is essentially teaching expenditure, to subsidise this disparity?"—and this might be asked whether the disparity occurred in England or in Scotland. But differences in the curricula do not on the whole have very significant effects on the overall teacher strength, which is what costs the money.

785. Considering the question of control by the public, what do you regard as the main ways in which you react to the public at large? Is it mainly through Parliament and M.P.s' questions, or in what way? Do you feel yourself sensitive to developing public opinion, and in what ways?—To a considerable extent through Parliament. On the more specialised issues, through teacher opinion, reflected either through the teachers' associations or to an increasing extent through the sort of advisory apparatus we have, which very largely now involves teachers, headmasters, principals of colleges, directly.

786. What about parents?—We have no direct contact with parents. The parents' influence would be indirect, through the schools. There is increasing contact between teachers and parents, and perhaps more indirectly in so far as parents influence Members of Parliament, either as constituents or through bodies like the Council for Advancement of State Education, and so on.

787. *Chairman*: I am not sure this is really within our remit, but would you say the teacher/parent relationship is probably inadequate?—I would say that this is a relationship which can always be developed and improved.

788. *Professor Robertson*: On the promotion of the social work services, now administered by your Department, we have heard earlier that this is an innovation in Scotland, and England has not yet caught up, if indeed it intends to do so.

When the time came to put the proposals into legislation, was the devising of the legislation, the pushing through of the legislation, something which was entirely in the hands of the Scottish Office, or was it necessary to go and seek opinion in England?—The framing of this was entirely in the hands of the Scottish Office. All the preliminary work, stemming from Lord Kilbrandon's committee, was done in Scotland. There was a working group with local authorities, with which three social work professional advisers were associated. Then there was a White Paper, and then there was the legislation. All this was done in Scotland. Naturally in the ordinary course of business the English Departments interested were kept in touch. At a point along this line the Seeborn Committee was set up to look at more or less, but not quite, the same territory, in England and Wales, and the English Departments have known throughout what we were doing, and were very interested in what we were doing. But the decisions which were taken were taken in the Scottish context, with the Secretary of State of course consulting his colleagues, who were thus aware of the proposed legislation.

789. So if there is now to be a reduction in diversity it will be by the English passing an Act of a similar import, rather than by our bringing ourselves back to their position?—I cannot see any possibility of our going back. There is a very different situation in England, in that you have three Ministers involved in this area, where we mercifully have only one.

790. And a last point on this: when you go to the Treasury looking for money for this type of activity, are you in any way told that this is a Scottish innovation without parallel in England, and it ought therefore to be rather cheap; or alternatively that money is hard to come by?—The Treasury naturally always hope that anything will be cheap—it seldom is.

791. But they do not blame you for innovating, and try to cut the money back?—In this particular case what the Act does essentially in the first instance is to reorganise existing services. The development will come thereafter, and there is no reason in principle why the co-ordinated development should be more expensive than the series of separate developments which would have taken place anyway.

792. *Mr. Donnet*: We have discussed separateness, we have discussed differences, but at the end of the day you have perhaps

not made enough of what is a very satisfying feature of life in Scotland; that institutions which are part of our social structure and social fabric have access to your Department, and that august institutions, such as the Scottish Trades Union Congress, who have views to offer on the subject of education, are made most welcome at St. Andrew's House and can have joint discussions with you on educational policy, physical aspects of education, school-leaving age consequences, and you are most open to receiving representations of this kind from institutions which are part of our Scottish social structure. This is very satisfying to these bodies—I do not know whether they give you any satisfaction, but it is very satisfying to Scottish institutions that they can come along to St. Andrew's House and discuss these things.

793. *Mr. Craig Macdonald*: I would say the same applies to the C.B.I., Chairman.

794. *Chairman*: As this is the last of the Departments to be interviewed by us, I think we should say this is true of all the Departments in St. Andrew's House, and that Scotland should be very grateful for it.—This from our point of view is an enormous advantage. I believe Sir Douglas Hadow touched on this point earlier, that we always feel it is very much easier for us to take the temperature, to know what people feel, to find out the facts, than it is for our Whitehall colleagues, because we are physically nearer the ground, it is easier to go and see people, it is easier for people to come and see us, and this is an enormous advantage in the day-to-day administration.

795. On that note perhaps we might close, and thank you for the very valuable advice you have given us this morning, which will be most useful to us. Thank you very much.

*(The witnesses withdrew.)*

**IDENTIFIABLE PUBLIC EXPENDITURE AND CENTRAL GOVERNMENT  
EXPENDITURE IN SCOTLAND 1967/68**

	Total identifiable public expenditure		Central Government Expenditure (1)			
			Scotland		Per Capita	
	£m.	Per cent. of G.B.	£m.	Per cent. of G.B.	Scotland	England & Wales
					£ s. d.	£ s. d.
Roads (including lighting) . . . . .	63·2	12·0	38·4	13·3	7 8 1	5 3 2
Airports and ports . . . . .	8·2	16·5	2·5	10·8	0 8 6	0 9 8
Promotion of local employment . . . . .	12·7	36·3	12·7	36·3	2 9 0	0 9 3
Investment grants . . . . .	43·2	14·4	45·0	14·3	8 13 6	5 11 2
Selective employment tax: additional sum in premium payments . . . . .	10·7	8·2	10·7	8·2	2 1 3	2 9 5
Regional employment premiums . . . . .	13·0	37·5	13·0	37·5	2 10 1	0 9 0
Research Councils . . . . .	7·0	9·2	7·0	9·2	1 7 0	1 8 8
Agricultural support . . . . .	46·4	17·9	46·4	17·9	8 18 11	4 8 2
Agricultural services . . . . .	5·4	7·2	5·5	7·5	1 1 2	1 8 0
Fisheries . . . . .	2·3	65·7	2·4	66·7	0 9 3	0 0 6
Forestry . . . . .	14·5	42·3	14·5	42·3	2 15 11	0 8 2
Housing . . . . .	196·9	18·7	27·6	20·4	5 6 5	2 4 7
Environmental services . . . . .	83·0	10·9	5·4	14·6	1 0 10	0 13 11
Libraries, museums and arts . . . . .	4·2	6·1	1·4	9·7	0 5 5	0 5 4
Police . . . . .	24·8	8·8	11·2	8·8	2 3 2	2 8 3
Prisons . . . . .	3·8	10·1	3·8	10·1	0 14 8	0 14 0
Other law and order (including fire service) . . . . .	11·4	8·3	4·8	8·6	0 18 6	1 1 0
Education (other than on Universities) (2) . . . . .	186·4	11·2	22·7	27·5	4 7 6	1 4 8
Universities . . . . .	41·8	14·3	41·7	17·1	8 0 9	4 3 4
Health and Welfare . . . . .	172·5	10·7	154·8	11·3	29 16 10	25 4 7
Children's services (including family allowances) . . . . .	40·4	10·5	26·4	11·6	5 1 10	4 3 5
Social security benefits (3) . . . . .	272·7	10·0	272·7	10·0	52 11 6	50 19 8
Civil Defence . . . . .	2·6	12·4	2·0	11·0	0 7 9	0 6 8
Financial administration and common services (4) . . . . .	25·2	10·5	22·1	10·0	4 5 3	4 2 0
Other services . . . . .	27·1	10·5	23·6	10·6	4 11 0	4 2 2
Non-specific grants to local authorities . . . . .	—	—	157·1	11·7	30 5 9	27 18 6
<b>Total . . . . .</b>	<b>1319·4</b>	<b>11·9</b>	<b>975·4</b>	<b>11·7</b>	<b>188 1 0</b>	<b>151 15 11</b>

(1) Includes transfers to other spending authorities other than Consolidated Fund Loans to local authorities (e.g., investment grants to nationalised industries and public corporations whose expenditure is not included in the first column).

(2) Includes in Scotland an element of student grants which in England and Wales is included under non-specific grants to local authorities.

(3) Includes amounts met by employers' and employees' contributions.

(4) Excludes certain items of expenditure which cannot be specifically attributed to Scotland.

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